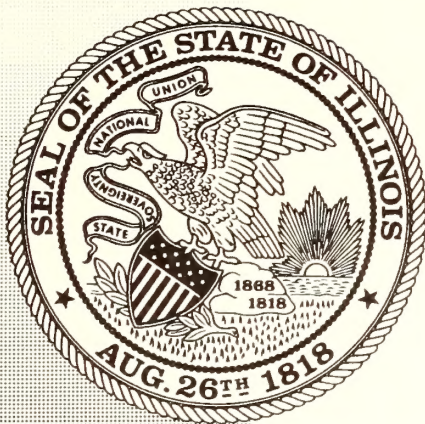


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**1996**

# ***Illinois Register***

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**Rules of Governmental Agencies**

Volume 20, Issue 08— February 23, 1996

Pages 3457 - 3628

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Index Department  
Administrative Code Div.  
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| April 19, 1996 - Issue 16: Through   | March 31, 1996             |
| July 19, 1996 - Issue 29: Through    | June 30, 1996              |
| October 18, 1996 - Issue 42: Through | September 30, 1996         |
| January 17, 1997 - Issue 3: Through  | December 31, 1996 (Annual) |

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| Material Rec'd<br>after 12:00 p.m. on: | And before<br>12:00 p.m. on: | Will be in<br>Issue #: | Published<br>on: | Material Rec'd<br>after 12:00 p.m. on: | And before<br>12:00 p.m. on: | Will be in<br>Issue #: | Published<br>on:    |
|--|------------------------------|------------------------|------------------|--|------------------------------|------------------------|---------------------|
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| Dec. 26, 1995                          | Jan. 2, 1996                 | 2                      | Jan. 12, 1996    | July 2, 1996                           | July 9, 1996                 | 29                     | July 19, 1996       |
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| May 7, 1996                            | May 14, 1996                 | 21                     | May 24, 1996     | Nov. 12, 1996                          | Nov. 19, 1996                | 48                     | Dec. 2, 1996 (Mon.) |
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| June 4, 1996                           | June 11, 1996                | 25                     | June 21, 1996    | Dec. 10, 1996                          | Dec. 17, 1996                | 52                     | Dec. 27, 1996       |
| June 11, 1996                          | June 18, 1996                | 26                     | June 28, 1996    | Dec. 17, 1996                          | Dec. 23, 1996 (Mon.)         | 1                      | Jan. 3, 1997        |
| June 18, 1996                          | June 25, 1996                | 27                     | July 5, 1996     | Dec. 23, 1996                          | Dec. 31, 1996                | 2                      | Jan. 10, 1997       |

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Medical Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1285

3) Section Numbers: Proposed Action:

1285.120 Amendment

4) Statutory Authority: Sections 35, 36 and 37 of the Medical Practice Act of 1987 [225 ILCS 60/35, 36 and 37]

5) A Complete Description of the Subjects and Issues Involved: The Renewals Section of the rules for the Medical Practice Act of 1987 is being amended to clarify that any licensee for renewal shall be entitled to a hearing in accordance with 68 Ill. Adm. Code 1110 prior to refusal of any renewal or any disciplinary action being taken by the Department of Professional Regulation against the licensee.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
(217) 785-0800 Fax #: (217) 782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses offering the services of physicians or chiropractors.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: Physician, surgeon or chiropractor skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1285

## MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL  
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## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

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**AUTHORITY:** Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: MEDICAL LICENSING, RENEWAL  
 AND RESTORATION PROCEDURE

## Section 1285.120 Renewals

- Every license issued under the Act shall expire on July 31, 1990, and every third year thereafter. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee stated in Section 21(e)(5) of the Act.
- It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.
- Practicing or operating on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.
- Any licensee for renewal shall be entitled to a hearing in accordance with 68 Ill. Adm. Code 1110 prior to refusal of any renewal or any disciplinary action being taken by the Department against the licensee.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.71 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-6.

5) Complete Description of the Subjects and Issues Involved: In accordance with provisions of Public Act 89-6, these proposed amendments codify a change in AFDC JOBS policy as part of the Governor's Fast Track Welfare Reform plan intended to move AFDC clients more quickly from welfare to work. Due to a change in State law and receipt of a federal waiver, this rulemaking provides that parents age 16 to 18 who are attending high school are no longer exempt from JOBS participation if they have not received a high school diploma or GED.

Until now, parents age 16 to 18 who were attending school full-time were exempt from participating in the Teen Parent Initiative/Young Parent Services (TPI/YPS) program, a part of AFDC JOBS. They could volunteer for the program, but could not be required to participate. As a result of these proposed amendments, the following individuals age 16 through 18 in full-time elementary, secondary or equivalent vocational/technical school will not be exempt from JOBS participation:

1. children who return to school after becoming nonexempt;
2. children who are required to participate in the Youth Employment and Training Initiative; and
3. parents under age 18 who have not completed high school or the equivalent.

These individuals must now participate in TPI/YPS unless they qualify for a different exemption. This rulemaking affects both young parents who have their own grants and those who are included in someone else's grant.

These proposed amendments replace amendments which were previously published on January 26, 1996 at 20 Ill. Reg. 1454. A Notice of Withdrawal for these previously proposed amendments will be forthcoming.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation              |
|-----------------|-----------------|---|
| 112.30          | Amendment       | February 9, 1996 (20 Ill. Reg. 2336)    |
| 112.65          | New Section     | September 15, 1995 (19 Ill. Reg. 12927) |
| 112.70          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.71          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.71          | Amendment       | January 26, 1996 (20 Ill. Reg. 1454)    |
| 112.72          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.74          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.76          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.77          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.78          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.79          | Amendment       | October 13, 1995 (19 Ill. Reg. 14292)   |
| 112.251         | Amendment       | July 21, 1995 (19 Ill. Reg. 10363)      |
| 112.252         | Amendment       | July 21, 1995 (19 Ill. Reg. 10363)      |
| 112.253         | Amendment       | July 21, 1995 (19 Ill. Reg. 10363)      |
| 112.254         | Amendment       | July 21, 1995 (19 Ill. Reg. 10363)      |
| 112.303         | Amendment       | October 6, 1995 (19 Ill. Reg. 13759)    |

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, IL 62762  
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

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| 112.149 | Earned Income In-Kind   |
| 112.150 | Assets  |
| 112.151 | Exempt Assets   |
| 112.152 | Asset Disregards  |
| 112.153 | Deferral of Consideration of Assets                                   |
| 112.154 | Property Transfers (Repealed)   |
| 112.155 | AFDC Income Limit   |

## SUBPART H: PAYMENT AMOUNTS

|         |   |
|---------|---|
| Section | Grant Levels                              |
| 112.250 | Payment Levels in AFDC                    |
| 112.251 | EMERGENCY                                 |
| 112.252 | Payment Levels in AFDC Group I Counties   |
| 112.253 | EMERGENCY                                 |
| 112.254 | Payment Levels in AFDC Group II Counties  |
| 112.255 | EMERGENCY                                 |
| 112.256 | Payment Levels in AFDC Group III Counties |
| 112.257 | EMERGENCY                                 |

## SUBPART I: OTHER PROVISIONS

| Section | Persons Who May Be Included in the Assistance Unit                      |
|---------|---|
| 112.300 | Presumptive Eligibility   |
| 112.301 | Monthly Reporting   |
| 112.302 | Retrospective Budgeting   |
| 112.303 | EMERGENCY   |
| 112.304 | Budgeting Schedule  |
| 112.305 | Strikers  |
| 112.306 | Foster Care Program   |
| 112.307 | Responsibility of Sponsors of Aliens                                    |
| 112.308 | Special Needs Authorizations  |
| 112.309 | Institutional Status  |
| 112.310 | Young Parent Program (Renumbered)                                       |
| 112.315 | Redetermination of Eligibility  |
| 112.320 | Extension of Medical Assistance Due to Increased Income from Employment |
| 112.330 |   |

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- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

- Section
- 112.350 Child Care
- 112.352 Child Care Eligibility
- 112.354 Qualified Provider
- 112.356 Notification of Available Services
- 112.358 Participant Rights and Responsibilities
- 112.362 Additional Service to Secure or Maintain Child Care Arrangements
- 112.364 Rates of Payment for Child Care
- 112.366 Method of Providing Child Care
- 112.370 Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

- Section
- 112.400 Transitional Child Care Eligibility
- 112.404 Duration of Eligibility for Transitional Child Care
- 112.406 Loss of Eligibility for Transitional Child Care
- 112.408 Qualified Child Care Providers
- 112.410 Notification of Available Services
- 112.412 Participant Rights and Responsibilities
- 112.414 Child Care Overpayments and Recoveries
- 112.416 Fees for Service for Transitional Child Care
- 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40,

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p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984;



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amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18,

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1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of

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150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

## Section 112.71 Individuals Exempt from JOBS

a) An individual shall be exempt from JOBS participation when that individual:

1) Is a child age 16 through 18 in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance unless the child is required to participate in the Youth Employment and Training Initiative; if the individual loses this exemption because he or she is no longer in school, the exemption is no longer applicable even if the individual returns to school. This exemption does not apply to:

- A) Children who return to school after becoming nonexempt;
- B) Children who are required to participate in the Youth Employment and Training Initiative; and
- C) Parents under age 18 who have not completed high school or the equivalent.

2) Temporary and Chronic Illness or Injuries

- A) Temporary Illness and Injuries
  - i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS. A sound basis for exemption from JOBS, on a temporary basis, includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;
  - ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;
- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS. This may include a period of recuperation after childbirth if prescribed by a

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woman's physician;

- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;
- 3) Is under age 16 or is age 60 years or older unless the child is required to participate in the Youth Employment and Training Initiative or the pregnant or parenting individual under age 16 is required to participate in the Adolescent Parent Program (see Section 112.73);
- 4) Resides in an area remote from the JOBS office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;
- 5) Has another household member for whom that individual must provide full-time care;
- 6) Is the parent or other caretaker relative of a child under age three in the home (other than a minor parent under age 20 without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason;
- 7) Employment
  - A) Is employed 30 hours or more per week;
  - B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten work days;
- 8) Is in the 4th month of pregnancy or later; or
- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).
- b) Individuals who request an exemption from participation in JOBS shall do so in writing with the assistance of the JOBS worker or other Department staff, if needed, and shall receive a written notice of decision on such request within 45 days. Requests for an exemption may be made at:
  - 1) application for assistance;



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- 2) orientation;
  - 3) assessment;
  - 4) reassessment;
  - 5) AFDC eligibility redeterminations;
  - 6) child request; or
  - 7) whenever information received by the Department indicates the possibility of an exemption.
- c) Exempt individuals may volunteer for JOBS.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Advisory Councils
- 2) Code Citation: 89 Ill. Adm. Code 515
- 3) Section Numbers: Proposed Action:  
515.500 Amendments
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].

5) A Complete Description of the Subjects and Issues Involved: Section 515.500 deals with the Blind Services Planning Council and how the members are selected. The attached revision modifies the rules to allow for the selection of alternative members when no member of a particular consumer organization can be found to serve on the council.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested person may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: Not applicable.

B) Reporting, bookkeeping or other procedures required for compliance: Not applicable.

C) Types of professional skills necessary for compliance: Not applicable.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 515  
ADVISORY COUNCILS

## SUBPART A: REHABILITATION SERVICES ADVISORY COUNCIL

|         |  |
|---------|--|
| Section | Rehabilitation Services Advisory Council |
| 515.100 | Powers and Duties                        |
| 515.110 | Composition                              |
| 515.120 | Meetings                                 |
| 515.130 | Terms of Membership                      |
| 515.140 | General Provisions                       |
| 515.150 |  |

## SUBPART B: CONSUMER ADVISORY COUNCILS

|         |                            |
|---------|----------------------------|
| Section | Consumer Advisory Councils |
| 515.200 |                            |

## SUBPART C: FACILITY ADVISORY COUNCILS

|         |                            |
|---------|----------------------------|
| Section | Facility Advisory Councils |
| 515.300 |                            |

## SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

|         |                                      |
|---------|--------------------------------------|
| Section | Statewide Independent Living Council |
| 515.400 | Composition                          |
| 515.410 | Meetings                             |
| 515.420 | Membership Terms                     |
| 515.430 | Powers and Duties                    |
| 515.440 | General Provisions                   |
| 515.450 |                                      |

## SUBPART E: BLIND SERVICES PLANNING COUNCIL

|         |                                 |
|---------|---------------------------------|
| Section | Blind Services Planning Council |
| 515.500 |                                 |

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].

SOURCE: Adopted and codified at 7 Ill. Reg. 8127, effective June 24, 1985; amended at 8 Ill. Reg. 1975, effective February 1, 1984; amended at 12 Ill.



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Reg. 17942, effective October 24, 1988; amended at 15 Ill. Reg. 7211, effective April 26, 1991; emergency amendments at 17 Ill. Reg. 11589, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20278, effective November 15, 1993; amended at 18 Ill. Reg. 11623, effective July 7, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: BLIND SERVICES PLANNING COUNCIL

## Section 515.500 Blind Services Planning Council

a) The Blind Services Planning Council (BSPC) shall review the actions of the Bureau of Blind Services and provide advice and consulting to the DORS Director on services to persons who are blind (Section 7 of the Bureau for the Blind Act, [20 ILCS 2410/7] ~~1989, ch. 23, par. 3411-et-seq.~~ ~~1989, ch. 23, par. 3411-et-seq.~~).

b) The BSPC shall be composed of 11 members appointed by the Governor.

1) No fewer than 6 members shall be blind.

2) A relative balance between the number of males and females shall be maintained.

3) Two members shall be sought from each of the major statewide consumer organizations of the blind.

4) One member shall be from a specific service area (e.g., Chicago Lighthouse employee, Vending Facility operator, employers of blind individuals).

5) A DORS employee cannot be a member.

6) In instances where no member of a particular consumer organization can be found to serve, vacant position(s) on the BSPC may be filled by other appropriate representatives of the blind community providing that such membership does not conflict with the other requirements of council membership as stated in Section 515.500(b) of this Part.

c) Members shall be reimbursed for actual, necessary and reasonable expenses (e.g., travel for meetings in accordance with State travel regulations (80 Ill. Adm. Code 2800), postage or telephone bills for BSPC business) incurred in the performance of their duties. Members shall be removed for cause including demonstrated incompetence, unethical behavior and unwillingness or inability to serve.

e) Terms of Membership

1) Members serving on the BSPC on the effective date of this Subpart shall continue to serve until their terms expire. New members appointed shall serve terms as set out in subsection (e)(2) of this Section.

2) Initially four members shall serve for one year; four members shall serve for two years; and three members shall serve for three years. All subsequent terms shall be for three years.

3) No member shall serve more than 2 consecutive terms.

4) The membership year for the BSPC shall be the same as the calendar year.

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f) DORS shall provide support services (meeting space, clerical service, record storage, supplies, postage) as requested by BSPC, and access to reports, records and information unless prohibited by 89 Ill. Adm. Code 505.

g) DORS shall ensure the BSPC has the opportunity to review the Bureau of Blind Services' budget prior to its submission to the Bureau of the Budget and any major policy or program change (e.g., changes that have impact on service delivery and staffing patterns) prior to its implementation.

h) Meetings

1) The BSPC shall meet at least four times per year at times and places designated by the Chair. The dates and locations of the meetings shall be published and posted at the DORS' administrative offices at 623 East Adams, Springfield and 100 West Randolph, Chicago in advance of the meeting in accordance with Sections 2.02 and 2.03 of the Open Meetings Act.

2) The last regular meeting of the year shall be the annual meeting, conducted in the same way as any regular meeting except that officers shall be elected and any other items of business that the bylaws prescribe for the annual meeting shall be transacted. New officers assume their duties at the conclusion of the meeting at which they are elected.

3) Special meetings shall be called by the Chair or at the written request of any five members of the BSPC, provided a written notice stating the purpose of such meeting is given to members at least ten days prior to the meeting.

4) Notice, agenda and minutes for all meetings shall be sent to each member of the BSPC at least 15 days prior to the date of the meeting.

5) Meetings shall be open to the public, except that meetings or portions of meetings shall, upon a majority vote of a quorum present, be declared closed in accordance with Sections 2 and 2a of the Open Meetings Act.

6) Any meeting of the BSPC shall be cancelled with approval of a majority of the voting BSPC members.

7) All meetings shall be physically and communicatively accessible to all persons with disabilities.

i) Documents of the BSPC shall be maintained at DORS' administrative offices at 623 East Adams in Springfield for public inspection. DORS shall provide copies of the documents upon request in accordance with the Freedom of Information Act [5 ILCS 140] ~~1989, ch. 116, par. 201-et-seq.~~ and Access to Public Records (2 Ill. Adm. Code 1176).

j) Functions of the BSPC shall include, but not be limited to:

1) facilitating communication and cooperative efforts with blind consumer groups and blind citizens of Illinois;

2) facilitating communication and cooperative efforts between DORS and all agencies or other service providers which deliver

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- services to blind and visually impaired persons;
- 3) identifying needs of and problems related to blind and visually impaired persons and making recommendations to the Director and Bureau of Blind Services Deputy Director of DORS, and to the Governor;
  - 4) recommending programmatic and fiscal priorities for the provision of services and awarding of grants or contracts by DORS;
  - 5) conducting, encouraging, and advising independent research by qualified evaluators to improve services to blind and visually impaired persons;
  - 6) participating in the development and review of proposed DORS rules and regulations relating to services for blind and visually impaired persons;
  - 7) reviewing and commenting on budgets relating to services for blind and visually impaired persons;
  - 8) promoting policies and programs to educate the public and eliciting public support for services to blind and visually impaired persons;
  - 9) encouraging creative and innovative programs to strengthen, expand and improve services for blind and visually impaired person; and
  - 10) participating in the development of a state plan for blind services and any revision or update in accordance with Rehabilitation Act of 1973 as amended.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Appeals and Hearings
- 2) Code Citation: 89 Ill. Adm. Code 510
- 3) Section Numbers:

|                         |            |
|-------------------------|------------|
| <u>Proposed Action:</u> |            |
| 510.5                   | Amendments |
| 510.10                  | Amendments |
| 510.20                  | Amendments |
| 510.30                  | Amendments |
| 510.40                  | Amendments |
| 510.60                  | Amendments |
| 510.70                  | Amendments |
| 510.80                  | Amendments |
| 510.90                  | Amendments |
| 510.100                 | Amendments |
| 510.105                 | Amendments |
| 510.110                 | Amendments |
| 510.120                 | Amendments |
- 4) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]
- 5) A Complete Description of the Subjects and Issues Involved: Sections 510.70 and 510.120 are being amended to clarify at what points decisions rendered as a result of grievances become final. Amendments are being made to other Sections to change "client" to the preferred term, "customer".

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager



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Regulations and Procedures Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, IL 62794-9429  
 (217) 785-3896  
 TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This was not included on either of the two most recent agendas because the changes were not anticipated by the Department.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 510

## APPEALS AND HEARINGS

| Section | Scope and Purpose                     |
|---------|---------------------------------------|
| 510.5   | General Information                   |
| 510.10  | What May Be Appealed                  |
| 510.20  | What May Not Be Appealed              |
| 510.30  | Grievant Rights                       |
| 510.40  | DORS' Rights                          |
| 510.50  | Service Notice                        |
| 510.60  | Level I Hearings                      |
| 510.70  | Level II Hearings                     |
| 510.80  | Hearings Officers                     |
| 510.90  | Conduct of Level I Hearings           |
| 510.100 | Conduct of Level II Hearings          |
| 510.105 | Director's Review                     |
| 510.110 | Exhaustion of Administrative Remedies |
| 510.120 |                                       |

**AUTHORITY:** Implementing the Disabled Persons Rehabilitation Act (20 ILCS 2405), and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).

**SOURCE:** Adopted and codified at 7 Ill. Reg. 5230, effective April 1, 1983; amended at 7 Ill. Reg. 14526, effective October 19, 1983; amended at 9 Ill. Reg. 12325, effective July 30, 1985; peremptory amendment at 11 Ill. Reg. 6563, effective March 31, 1987; Part repealed, new Part adopted at 13 Ill. Reg. 15769, effective September 26, 1989; amended at 16 Ill. Reg. 8537, effective May 20, 1992; emergency amendment at 17 Ill. Reg. 11608, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20296, effective November 15, 1993; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 510.5 Scope and Purpose

- a) This Part governs the appeals process for customers clients of the Department of Rehabilitation Services (DORS). This Part covers hearings of grievances under various DORS programs. Therefore, care must be taken to read this Part in its entirety for exceptions to general provisions for specific types of hearings.
- b) The Level I hearing is the first step in the appeals process and is designed to provide a customer client with a prompt informal review of a determination made in furnishing or denying of services to the grievant. The Level I hearing may result in a mutual resolution of

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the grievances. If no resolution is reached within the applicable time frames, the Level I Hearing Officer issues a brief written decision which is binding on DORS. If dissatisfied with that decision, the grievant may request a Level II hearing so that his/her grievance may be considered.

- c) The Level II hearing is an appeal of a determination made by a counselor or other DORS officer or employee concerning the furnishing or denial of services or other appealable issues as listed in Section 510.20. If the grievant is a customer client of the Vocational Rehabilitation (VR) Program or a vendor in the Vending Facilities Program for the Blind, the Level II hearing may be the first step in the appeals process (see Section 510.10(b)).
- d) The Level II hearing is a de novo adjudicatory proceeding which is conducted by an Impartial (Level II) Hearing Officer. The Level II Hearing Officer is responsible for considering the testimony and evidence presented by the grievant, or as appropriate a parent, family member, guardian, advocate or duly authorized representative of the customer client, and representatives of DORS, and making a decision based upon the evidence and applicability of federal and State law and regulation. The Level II Hearing Officer's decision is final, but subject to review by DORS' Director (see Section 510.110) after notice to the grievant, who will be given an opportunity to submit additional evidence and information relevant to the decision.
- e) The Level II decision or Director's Review decision may be reviewed in court.
- f) The grievant and DORS may informally agree to resolve disputed issues at any time during the appeal process prior to the issuance of a Level II hearing decision.

(Source: Amended 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.10 General Information

## a) Definitions

For the purposes of this Part, the following terms shall have the following meanings:

"Customer client" means any individual who has requested, been referred to, applied for, or is receiving services from DORS (except from the Bureau of Disability Determination Services), or as appropriate a parent, family member, guardian, advocate or duly authorized representative of the customer client.

"Days" unless otherwise specified, means working days, i.e., Mondays through Fridays, excluding state established holidays or days on which government offices are closed by order of the Governor.

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"Director" means the Director of DORS.

"DORS" means the Department of Rehabilitation Services and does not include any contractor, grantee, nominee agency, or service provider.

"Grievant" means any customer client; any person who has been determined by DORS to have misspent funds, as specified in 89 Ill. Adm. Code 527: Recovery of Misspent Funds; or licensed vendor, as specified in 89 Ill. Adm. Code 650: Vending Facilities Program for the Blind who has been aggrieved by any action or inaction by DORS.

"Hearings Coordinator" means DORS' Manager - Division of Regulations and Procedures, who is responsible for communicating with grievants about their appeal requests, docketing and scheduling Level II hearings, and coordinating the appointment of Level II Hearing Officers.

"Inaction" means the failure of DORS to act within 60 calendar days on a referral of any individual for services or on a request for any change in service or to make an eligibility determination for a customer client who has applied for services within the time lines specified for the program to which he/she has applied or upon an application for services.

"Level I hearing" means a hearing at the first level of appeal by a grievant, as set forth in Section 510.70 and presided over by a Level I Hearing Officer.

"Level I Hearing Officer" means the DORS employee who conducts the Level I hearing as set forth in Section 510.90(a).

"Level II hearing" means a hearing at the second level of appeal by a grievant, as set forth in Section 510.80 and presided over by a Level II Hearing Officer.

"Level II Hearing Officer" means an Impartial Hearing Officer selected to conduct the Level II Hearing as set forth in Section 510.90(b).

"Personal representative" means an attorney, CAP representative or other individual designated by a grievant to act on the grievant's behalf in the proceedings contained in this Part, as set forth in subsection (b)(4) of this Section and Section 510.100(c).

"Schools" means the three schools operated by DORS: Illinois Center for Rehabilitation and Education-Roosevelt (formerly known as the Illinois Children's School and Rehabilitation Center), the Illinois School for the Deaf, and the Illinois School for the Visually Impaired.



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"Services" means services provided directly or purchased by DORS as set forth in 89 Ill. Adm. Code: Chapter IV, Subchapters b, Vocational Rehabilitation (VR), c, Vocational Related Programs, d, Home Services Program (HSP), e, Community and Residential Services for the Blind and Visually Impaired (CRSBVI) and h, Total Life Planning.

"Working Days" means Mondays through Fridays, excluding state established holidays or days on which government offices are closed by order of the Governor.

## b) General Provisions

- 1) A grievant who is not satisfied with an action taken by DORS, or with the failure of DORS to take action, is entitled to a Level I hearing.
- 2) If the grievant is a customer etient of the VR Program or a licensed vendor in the Vending Facilities Program for the Blind, a Level I hearing is optional. These grievants have the right to request that the grievance first be heard at a Level II hearing.
- 3) Any and all notices and communications to DORS made pursuant to this Part should be in writing. Nonwritten communications will be accepted if the information required in subsection (7), below, is provided. All nonwritten communications shall be documented by DORS.
- 4) A grievant may appoint a personal representative in accordance with Section 510.40(e)(2), who may exercise any right of the grievant on the grievant's behalf. A grievant may only designate one personal representative at a time. The designation must be in writing.
- 5) All time periods related to communications arising under this Part commence on the date of receipt (receipt is presumed 5 days from the date of postmark or on the day of delivery for hand delivered items), or, if a non-written form of communication, on the date of receipt.
- 6) An appeal by any person not a "grievant" cannot be heard by DORS pursuant to this Part.
- 7) The request for an appeal should include the specific determination and the date of the determination or, if appealing inaction, the date the action was requested, and specific identification of any other matter that is being appealed, but if this information is not readily available to the grievant, the grievant must supply sufficient information for DORS to identify the specific action or inaction that is being appealed.
- 8) Should a grievant improperly request an appeal and other procedures for appeal are available, DORS will advise the grievant of the proper appeal process.
- 9) Failure of a grievant to follow procedures as set forth in this Part or failure to request an appeal within the specified time frames shall result in dismissal of the appeal except if the

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failure to follow procedure was a result of DORS failure to provide required notice or information.

- 10) DORS, and the Department of Public Aid in the case of HSP Level II hearings, will assume all administrative costs of the appeal (i.e., interpreters, pursuant to Section 510.40 (b), and record, pursuant to Section 510.80(f)) but will not assume cost personally incurred by the grievant because of the proceeding (e.g., legal fees, travel, witness costs, and room and board).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.20 What May Be Appealed

The following may be appealed under this Part:

- a) DORS' refusal to provide any service which it is authorized to provide;
- b) modification of any service currently provided to the customer etient by DORS, termination of a service or case closure, unless agreed upon by the customer etient and DORS;
- c) a determination that a customer etient is ineligible for services;
- d) issues related to sex equity and DORS schools, set forth in 89 Ill. Adm. Code 829;
- e) refusal of the schools to permit modifications to a student's records, set forth in 89 Ill. Adm. Code 765.60(a)(1);
- f) collection of misspent funds, set forth in 89 Ill. Adm. Code 527;
- g) inaction of DORS employees as defined in Section 510.10;
- h) dissatisfaction of a licensed vendor in the Vending Facilities Program for the Blind with any action of DORS arising from the administration of the Vending Facilities Program for the Blind;
- i) dissatisfaction of a customer etient of the CRSBVI program; and
- j) matters concerning the conduct of customers etients in the adult residential training program for individuals with visual disabilities, as set forth in 89 Ill. Adm. Code 730, Subpart D.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.30 What May Not Be Appealed

The following may not be appealed under this Part:

- a) changes in services or procedures over which DORS exercises no discretion or control;
- b) changes in services or procedures which are mandated by federal or state law or regulation;
- c) failure to provide services which DORS, in accordance with federal or state law, regulations, and the State VR Plan or other plans submitted to the federal government by DORS as a condition of receiving federal

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- funding cannot provide;
- d) the establishment of, and provisions contained in, an Individualized Educational Program (IEP) and other matters as governed by 89 Ill. Adm. Code: Chapter IV, Subchapter f (Educational Facilities), except as set forth in Section 510.20 (d) and (e);
- e) all recommendations for decisions and procedures for the adjudication of benefits under the Federal Social Security Act which are made by DORS under its authority from the United States Department of Health and Human Services, Social Security Administration, as set forth in 89 Ill. Adm. Code: Chapter IV, Subchapter g (Bureau of Disability Determination Services);
- f) issues related to the legality of DORS' rules;
- g) discipline of a vendor under the Vending Facilities Program for the Blind, as set forth in 89 Ill. Adm. Code 650;
- h) student discipline, as set forth in 89 Ill. Adm. Code 827;
- i) DORS findings relating to the evaluation of rehabilitation facilities, as set forth in 89 Ill. Adm. Code 530. Subpart A;
- j) a grievance which has already been decided through the appeal process as set forth in this Part;
- k) an action taken by DORS which does not affect the grievant (e.g., a customer effient wishing to appeal DORS terminating sponsorship of another customer effient in training for failing to maintain the grade point average required in 89 Ill. Adm. Code 592.80);
- l) a grievance filed under the Americans with Disabilities Act (42 U.S.C. 12101); and
- m) an appeal of a requirement to have a Teletypewriter/Telephone Device for the Deaf (TTY/TDD) as a condition of a contract.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.40 Grievant Rights

- a) DORS must make the grievant aware, in a language that is understandable to the grievant, of the right to appeal pursuant to this Part, at the following times or events:
- 1) upon application for services;
  - 2) upon denial of application;
  - 3) after the initiation, or change, of services;
  - 4) upon termination of a service;
  - 5) upon closure;
  - 6) after a determination that funds have been misspent;
  - 7) upon enrollment in a DORS school; and
  - 8) upon entrance into the Vending Facilities Program for the Blind.
- b) The grievant may request an interpreter or reader, either sign (if the grievant relies on sign-language as his/her usual mode of communication) or language (if the grievant's normally spoken language is other than English), to attend the hearing. A visually impaired

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- grievant may either request a reader to read materials provided by DORS in preparation for the hearing or request that the materials be provided in Braille, large print or audio tape. The request must be made within 2 working days of being informed of their rights under this Part, which should occur when the appeal is requested.
- c) All meetings with the grievant pursuant to this Part must occur at a time and location convenient to both parties.
- d) If the grievant is a customer effient of the VR Program (89 Ill. Adm. Code: Chapter IV, Subchapter b), HSP (89 Ill. Adm. Code: Chapter IV, Subchapter d), CRSRVI program, or the adult training program for persons with visual disabilities (89 Ill. Adm. Code: Chapter IV, Subchapter e), the grievant may have the right to the assistance of DORS' Client Assistance Program (CAP) in the preparation, presentation and representation of the matters to be heard. DORS must inform the customer effient of this right at the time of request for services, application and referral for services and at service initiation or modification, and at closure, as well as when the grievant requests a hearing.
- e) After a request for a hearing is received by DORS, the grievant will be provided with written notification of his/her right to:
- 1) review the case file and other related documents;
  - 2) be represented by a personal representative at a Level I hearing in accordance with Section 510.100(c) or at a Level II hearing by filing an appearance with the Hearings Coordinator, pursuant to Section 510.105(c);
  - 3) an explanation of the appeal process as set forth in this Part;
  - 4) decline to appear for a Level I or II hearing, in which case a review of the case file and any new evidence or information submitted by the grievant will be examined and a decision made based on that review by the Hearing Officer;
  - 5) withdraw the appeal at any time during the process, in which case the grievant cannot request a reopening of the appeal;
  - 6) a timely and impartial hearing;
  - 7) confidentiality of these proceedings, as set forth in 89 Ill. Adm. Code 505.10 and pursuant to either subsection 510.100(a) or 510.105(a);
  - 8) a continuation of services, as set forth in Section 510.60 (e); and
  - 9) have DORS employees involved in the appealed action present at the hearing, and to question them, with the exception listed in Sections 510.100(e)(4) and 510.105(g)(2).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.60 Service Notice

- a) This Section applies to VR and HSP customers effients only.



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- b) When an individual applies for VR or HSP services from DORS, the individual must be informed that DORS notifies customers clients whenever it denies, modifies or terminates a service or services, if not mutually agreed upon; and of the right to action within 60 calendar days from request for an application. DORS must send the customer client a service notice at least 15 working days before the effective date of the action.
- c) Any action mutually agreed upon must be so documented in the Customer's client's case file.
- d) The service notice must:
- 1) contain the name, address and telephone number of the person to whom the request for the Level I hearing must be made (the supervisor of the staff who made the decision being appealed, or if that person was involved in the decision, that person's supervisor);
  - 2) outline the action;
  - 3) state the basis for the action;
  - 4) give the effective date of the action; and
  - 5) inform the customer client of the right to a Level I hearing in the matter or that if a customer client of the VR Program chooses, he/she may proceed to Level II, and of the specific means of initiating the Level II hearing.
- e) For issues related to the disposition of services during the hearing process, the customer client must also be advised that DORS will continue to provide the disputed services until DORS final decision has been rendered unless the services being provided were obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the customer client; the service has been planned but not commenced; or the customer client, or as appropriate, the customer's client's parent, family member, guardian, advocate or duly authorized representative, requests the service be terminated. Continuances in the proceeding shall not be issued for the purpose of extending services.
- f) A service which is the subject of an appeal will not continue if the change is:
- 1) initiated by the customer client;
  - 2) unilaterally initiated by a service provider other than DORS;
  - 3) planned or authorized, but not commenced; or
  - 4) contraindicated on the basis of medical or psychological information contained in the customer's client's case record.
- g) In no event will a disputed service continue past the planned ending date on the INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM (IWRP) for VR and CRSBVI customers clients, or 100 days from the date of the service notice for HSP customers clients. For HSP customers clients, the length of time for any delay or continuance caused or requested by DORS, DPA, or made by mutual agreement, will be added to the 100 day period during which services will continue. Any delays or continuances caused or requested by a grievant will not extend this

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period.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.70 Level I Hearings

- a) A grievant may request a Level I hearing by asking DORS (e.g., counselor, supervisor, etc.) or by filling out a REQUEST FOR HEARING (IL 488-1948) and submitting it to DORS.
- b) A grievant must request a Level I hearing within the following time limits:
- 1) for grievances relating to the VR Program or HSP, the request for a Level I hearing must be received within 15 working days of receipt of any written notice. Requests for hearings for grievances of issues for which notice has not been sent (e.g., DORS inaction) must be received within 15 working days of the date the grievant knew, or should have known, of the issue being grieved or 20 working days from the date of the postmark on the notice, if the customer client was informed by mail;
  - 2) for grievances relating to bidding for an available vending facility location (89 Ill. Adm. Code 650.600), the request must be made within 5 working days of the date of receipt of the notice of selection by the grievant;
  - 3) for grievances relating to the conduct of a customer client of the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the grievant learns of the disciplinary action imposed; or
  - 4) for grievances related to misspent funds, the grievant may request a hearing within 15 working days of the receipt of the written notice of intended recovery.
- c) A request by a grievant of the VR Program for a Level I hearing signifies agreement to an extension of the federally mandated time period of 45 calendar days for the conclusion of a Level II hearing which times shall commence on the date the Level II hearing is requested.
- d) The Level I hearing must be scheduled for between 10 and 15 working days of the date of receipt of the request for the hearing at a time and date convenient to all parties. The grievant must be informed in writing by the Level I Hearing Officer, within 5 working days of receiving the request, of the date, time, location, name, address and telephone number of the Level I Hearing Officer, and of all rights accorded under this Part. The Level I hearing shall be held in the local DORS facility unless, in the request, the grievant indicates that, due to his/her disability, he/she cannot attend at the local DORS facility. If the grievant cannot attend the Level I hearing in the local DORS facility, the hearing shall be held in the grievant's home.

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- e) If the grievance pertains to the conduct of a customer client in the adult residential training program for persons with visual disabilities, the hearing must be scheduled between 3 and 5 working days after the date of receipt of request for the hearing. The grievant must be informed by the Level I Hearing Officer, within 2 working days after receiving the request for the Level I hearing, of the name and address of the Level I Hearing Officer, and of all rights accorded the grievant under this Part.
- f) Within 10 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall send the decision, in writing, to the grievant, or as appropriate, the parent, family member, guardian, advocate or duly authorized representative, and DORS Hearings Coordinator. The decision must contain:
- 1) a statement of the basis upon which the decision was made;
  - 2) the applicable laws and policies used;
  - 3) the name, address and telephone number of the DORS Hearings Coordinator; and
  - 4) a statement that if the grievant is dissatisfied with the decision, a Level II hearing may be requested by submitting a request to the DORS Hearings Coordinator no later than 15 working days of the date the Level I hearing decision was received; and-
  - 5) a statement that the decision rendered as a result of the Level I hearing shall become final 20 working days after the date of the postmark on the decision letter unless the grievant requests a Level II hearing.
- g) If the grievance pertains to the conduct of a customer client in the adult residential training program for persons with visual disabilities, within 2 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall inform the grievant of the decision by telephone, and shall provide written confirmation to the grievant within 7 working days. The decision must contain:
- 1) a statement of the basis upon which the decision was made;
  - 2) the applicable laws and policies used;
  - 3) the name, address and telephone number of the DORS Hearings Coordinator; and
  - 4) a statement that if the grievant is dissatisfied with the decision, a request for a Level II hearing must be received by the DORS Hearings Coordinator within 2 working days from the date of the telephone call on the Level I hearing decision; and-
  - 5) a statement that the decision rendered as a result of the Level I hearing shall become final 3 working days after the date of the postmark on the decision letter unless the grievant requests a Level II hearing.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.80 Level II Hearings

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- a) If the grievant is not satisfied with the Level I decision, or has chosen not to request a Level I hearing pursuant to Section 510.10(b), he/she may request a Level II hearing through the Hearings Coordinator or by completing a REQUEST FOR HEARING (IL 488-1948) and presenting it to DORS.
- b) A grievant must request a Level II hearing within the following time limits:
- 1) if the request is for a Level II hearing after a Level I hearing on the same matter, it must be received within 15 working days from the date of receipt of the Level I hearing decision;
  - 2) if the request is for review of an action for which there has not been a Level I hearing, pursuant to Section 510.10(b), it must be received within 15 working days from the date the grievant receives notice, or knew or should have known of the issue being grieved, or 20 working days from the date of the post mark on the notice, if the customer client was informed by mail;
  - 3) if the request relates to an available vending facility location and there has not been a Level I hearing, it must be made within 5 working days of receipt by the grievant of the notice of selection;
  - 4) if the grievance pertains to the conduct of a customer client in the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the date of the Level I hearing decision, and propose one hearing date which shall be within 5 working days after the request; or
  - 5) if the issue involves collection of misspent funds, the request must be made within 35 calendar days from the receipt of the written notice of the intent to recover per Section 8 of the Illinois Grant Funds Recovery Act (411--Rev-Stat--1991v-ch--1217 ~~part--2390~~ [30 ILCS 705/8]).
- c) The request must, except as set forth in Section 510.80(b)(4), propose 4 acceptable dates for the hearing which shall be within 20 working days of the request and state whether the grievant is unable to attend a hearing in the local DORS facility due to his/her disability, in which case it will be held in the grievant's home. If none of the dates are acceptable to DORS, the Hearings Coordinator will notify the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative, to determine a mutually acceptable date. In no case shall the Level II hearing be scheduled later than 45 calendar days of the grievant's request.
- d) Within 5 working days of receipt of the request for a Level II hearing, DORS Hearings Coordinator shall send the grievant a letter, certified mail, return receipt requested:
- 1) acknowledging the request for the hearing;
  - 2) stating the date, time and location for the hearing;
  - 3) stating the name and address of the individual who shall act as the Level II Hearing Officer, or, for Level II hearings arising



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from HSP, the address of the Department of Public Aid (DPA) Assistance Hearings Section which shall, pursuant to Medicaid Regulations, assign a Hearing Officer;

4) contain a statement of the issue(s) being grieved; and

5) informing the grievant of the rights accorded him/her under this Part.

e) If the Level II hearing is held after a Level I hearing, only those issues presented at the Level I hearing shall be heard.

f) DORS shall make an audio tape recording of the Level II hearing proceedings and will, upon request, provide one copy to the grievant at no cost. If an audio tape is not an accessible format for the grievant, upon request of the grievant, DORS shall prepare a transcript in an accessible format, and provide one copy of the transcript to the grievant at no cost.

g) The official record of the Level II hearing shall consist of:

- 1) all pleadings, motions, and rulings;
- 2) evidence, including testimony and exhibits;
- 3) a statement of matters officially noticed;
- 4) offers of proof;
- 5) objection and rulings thereon;
- 6) the Level II Hearing Officer's decision; and
- 7) if applicable, documents and decision from a Director's Review (Section 510.110).

h) For grievances arising from the VR Program, findings of fact and the decision, prepared by the Level II Hearing Officer, will be mailed within 15 working days after the adjournment of the Level II hearing.

i) For grievances pertaining to the conduct of a customer ~~entire~~ in the adult residential training program for persons with visual disabilities, the findings of fact shall be provided within 2 working days after the adjournment of the Level II hearing.

j) For a grievance arising from the selection of a vendor for a vending location in the Vending Facilities Program for the Blind, the Level II Hearing Officer shall submit his/her recommended decision to the Director within 15 days of the date of adjournment of the Level II hearing. The recommendation shall be based upon the record of the hearing, citing applicable provisions of law and policy. The Director shall mail the final decision on the grievance to the grievant, and as appropriate, the grievant's representative, within 5 working days of receiving the Level II Hearing Officer's recommendation. The Director's decision shall state the principal issues and relevant facts brought out at the Level II hearing, pertinent provisions in law and DORS policy, the reasoning that led to the decision, the right to appeal pursuant to Section 510.120(c), the effective date of the decision and have attached a copy of the Level II Hearing Officer's recommendations.

k) For Level II hearings arising from HSP, in addition to the other provisions contained in this Part, the following procedures shall apply:

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- 1) after receipt of the request for the Level II hearing, pursuant to Section 510.80(b)(1), the DORS Hearings Coordinator shall forward the request to the DPA Assistance Hearings Section which, pursuant to Medicaid Regulations, shall have administrative authority over all Level II hearings arising from HSP;
- 2) the Level II hearing shall be conducted by an Impartial Hearing Officer appointed by DPA;
- 3) DPA's rules, as set forth at 89 Ill. Adm. Code 104 shall apply, except 89 Ill. Adm. Code 104.10, 104.11, 104.20, 104.21(c), 104.70 and 104.80. All other rules contained in this Part shall apply to the extent they do not conflict with DPA's rules;
- 4) all notices and communications made pursuant to this Section must be in writing, unless the grievant is unable to communicate in writing. All non-written communication shall be directed to the DORS Hearings Coordinator who shall relay the communication to the DPA Assistance Hearings Section or DPA Impartial Hearing Officer, as appropriate. In such instances, the Hearings Coordinator shall document such communication in the grievant's hearing file; and-

- 5) the hearing shall be held in the local DPA office unless, because of the grievant's disability, the grievant is unable to attend the hearing in the local DPA office. In such instances, the hearing shall be held in the grievant's home.
- 1) The decision of the Level II Hearing Officer shall be binding on DORS unless the Director sends a Notice of Intent to Review as specified in Section 510.110(a). DORS shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days of its receipt. No employee of DORS shall interfere with implementation of the decision.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.90 Hearing Officers

a) The Level I Hearing Officer must be the supervisor of the DORS staff person who has taken the action being grieved, or that person's supervisor pursuant to Section 510.60(d), except for hearings to modify school records per 89 Ill. Adm. Code 765.60(a) (1) and hearings to resolve school sex equity issues pursuant to 89 Ill. Adm. Code 829, which must be heard by the school superintendent or his/her designee or, if the grievance pertains to the conduct of a customer ~~entire~~ at the adult residential training program for persons with visual disabilities, the Level I Hearing Officer must be the employee designated by the Deputy Director of the Bureau of Blind Services to hear such grievances.

b) A Level II hearing must be heard by an individual randomly selected from the list of DORS' approved Level II Hearing Officers and

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designated by the Director except:

- 1) for grievances arising from modification of school records or school sex equity, the Level II Hearing Officer shall be the Deputy Director of the Bureau of Rehabilitation Services or his/her designee; and
- 2) for grievances arising from HSP, the Level II Hearing Officer shall be appointed by DPH.
- c) If the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, believes the Level II Hearing Officer selected to conduct the hearing is biased against the grievant, or has a conflict of interest, the grievant may make a written request to the Hearings Coordinator at least 5 days prior to the Level II hearing for removal of the individual thought to be biased or to have a conflict of interest and for assignment of another individual as the Level II Hearing Officer. The request must be accompanied by an affidavit signed and dated by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, setting out specific facts upon which the claim of prejudice or conflict of interest is based.
- d) When an affidavit, as described in (c) above, is received, the DORS Hearings Coordinator shall assign another individual to serve as the Level II Hearing Officer if it is determined by the DORS Hearings Coordinator and other appropriate staff that prejudice or conflict of interest exists.
- e) The Level I and Level II Hearing Officer has the power to:
  - 1) control the conduct of the hearing to prevent irrelevant or immaterial discussion;
  - 2) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, a party's motion or objection concerning the admissibility of evidence;
  - 3) examine any of the witnesses at any time or request additional information from either party; and
  - 4) require the parties, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence including, but not limited to, the production of any and all documents, books, paper and accounts the Hearing Officer deems material or relevant to any issue.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.100 Conduct of Level I Hearings

- a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless the grievant so requests.
- b) The Level I hearing is an informal review of the decision with the goal of mutually resolving the issues being appealed. Procedures set forth in the Code of Civil Procedures (411-Rev-Stat-19917-chr-1107

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- c) The grievant may choose to have a personal representative present at the hearing.
- d) All parties involved in the hearing must avoid delay so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant, representative or DORS employee involved in the action or severe weather) be continued by the Level I Hearing Officer. In the absence of an emergency, a request for a continuance must be made to the other party and the Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency, if the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Hearing Officer no less than 1 working day prior to the original hearing date.

## e) Evidence

- 1) The relevant portions of the case file may be introduced into evidence, and DORS must provide a copy to the grievant 3 working days before the hearing. However, only information from the grievant's case file bearing directly on the issue under review, per Section 510.20, may be considered.
- 2) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing. If the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.
- 3) The Level I Hearing Officer may not consider any information that has not been made available to the other party. The parties may stipulate as to the admissibility of evidence not submitted to the other party at least 3 working days prior to the hearing.
- 4) DORS employees directly involved in contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DORS and declines to attend the hearing after DORS has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.
- 5) The grievant and DORS may call any person as a witness who may have relevant information.
- f) The grievant shall have the responsibility to prove by a preponderance of the evidence that the action or inaction by DORS was unlawful, against DORS policy, not in accordance with the grievant's IWRP (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 700), or inappropriate for the customer client. The Level I Hearing Officer shall inform the grievant of this requirement at the beginning of the hearing.
- g) The proceedings should be conducted in the following manner:



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- 1) an opening statement by the hearing officer explaining the process and the purpose of the Level I hearing;
  - 2) determination and clarification of the issues and consideration of any other preliminary matter;
  - 3) a fair and complete presentation and discussion of all the evidence, both written and oral, which is related to, and addresses, the issues, by the grievant and DORS;
  - 4) summary of positions by the grievant and DORS, if requested;
  - 5) closing statement by the hearing officer, which will provide an opportunity to discuss settlement or agree on a course of action.
- h) A hearing will not be adjourned until the Level I Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.
- i) The Level I Hearing Officer may take one of several courses of action, which include, but are not limited to the following:

- 1) negotiate a course of action which is mutually agreed upon by the grievant and DORS to resolve the matter in dispute, which shall be written up as a settlement agreement, including a withdrawal of the appeal;
- 2) accept a settlement of the issues agreed to by the grievant and DORS, which must include a written withdrawal of the appeal;
- 3) issue a decision finding in favor of the grievant in whole or in part;
- 4) issue a decision upholding the determination or action of DORS in whole or in part; or
- 5) accept a withdrawal of the appeal confirmed in writing signed by the grievant, or, as appropriate, by a parent, family member, guardian, advocate, or duly authorized representative of the grievant.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.105 Conduct of Level II Hearings

- a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless requested to be so by the grievant.
- b) Procedures set forth in the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 1-101 et seq.) [735 ILCS 5], except as provided in subsection (g) of this Section, do not apply to the procedures contained in this Section.
- c) The grievant must notify DORS Hearings Coordinator of the appointment of a personal representative by filing, no later than 3 working days in advance of a hearing, a notice of appearance stating the personal representative's name, address and telephone number, identifying the grievant represented, and signed by the grievant. If the grievance pertains to the conduct of a customer client of the adult residential

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training program for persons with visual disabilities, such notice must be made no later than 1 working day in advance of the hearing. Such notice must be accompanied by appropriate consent for the release of confidential information to the personal representative, if one is not already on file.

- d) At least 3 working days prior to the hearing, the grievant and the DORS staff person who has taken the action being grieved must provide each other and the Hearing Officer with a list of witnesses, copies of documents not in the possession of the other party, and a summary of the evidence which they plan to present at the hearing. If the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.
  - e) All parties involved in the hearing must avoid repetitive continuances so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant, representative or DORS employee involved in the action or severe weather) be continued once by the Level II Hearing Officer. In the absence of an emergency, notice of the request must be given in writing to the other party and the Level II Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency if the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Level II Hearing Officer no less than 1 working day prior to the original hearing date. The granting of continuances for Level II hearings arising from HSP shall be governed by DPA.
  - f) The grievant shall have the responsibility to prove by the preponderance of the evidence that the action or inaction by DORS was unlawful, against DORS policy, not in accordance with the grievant's IWRP (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 700), or inappropriate for the customer client. The Level II Hearing Officer shall inform the grievant of this requirement at the beginning of the Level II hearing.
- g) Evidence
- 1) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed except that any relevant evidence not admissible under those rules of evidence which is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, has probative value, and is relevant and material to the facts and issues may be admissible.
  - 2) DORS employees directly involved in the contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DORS and declines to attend the hearing after DORS has made a reasonable attempt to secure his/her attendance, the person most

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- knowledgeable about the case will attend.
- 3) Only information bearing directly on the issue under review, per Section 510.20, may be introduced from the grievant's case file. The Level II Hearing Officer may not consider any information that has not been made available to the other party.
  - 4) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing.
  - 5) The grievant and DORS may call any person as a witness and conduct examination and cross-examination.
  - 6) The grievant and DORS may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated must be considered as evidence in the proceedings.
- h) The following is the order of the proceedings:
- 1) presentation, arguments, and disposition of all preliminary motions and matters;
  - 2) opening statement;
  - 3) evidence presented by the grievant;
  - 4) evidence presented by DORS;
  - 5) rebuttal by either or both sides;
  - 6) closing statements by the grievant;
  - 7) closing statements by DORS; and
  - 8) rebuttal by grievant.
- i) A hearing will not be adjourned until the Level II Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.
- j) The Level II Hearing Officer may take one of several courses of action in making a decision, which include, but are not limited to the following:
- 1) find in favor of the grievant;
  - 2) uphold the determination or action of DORS;
  - 3) accept a withdrawal of the appeal confirmed in writing signed by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, which must be filed with the Hearings Coordinator;
  - 4) accept a settlement of the issues agreed to by the grievant and DORS which must include a written withdrawal of the appeal, which must be filed with the Hearings Coordinator.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 510.110 Director's Review

- a) The Director may choose to review any Level II decision except for an appeal brought by a licensed vendor in the Vending Facilities Program for the Blind, by issuing a Notice of Intent to Review within 20

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calendar days of the mailing of the decision to the grievant. If the grievance pertains to the conduct of a customer client in the adult residential training program for persons with visual disabilities, the Notice of Intent to review shall be issued within 7 working days. The scope of such review shall include, but is not limited to, the consistency of the Level II Hearing Officer's finding with applicable law and regulations. The Notice of Intent to Review shall include a listing of those issues being reviewed.

- 1) The appropriate program staff will then perform a thorough review of the Level II Hearing Officer's decision, the grievant's case file and the record of proceedings of the Level II hearing, and make a recommendation to the Director regarding a Level II decision which is thought to be:
  - A) in violation of constitutional, statutory, regulatory, or written policy;
  - B) in excess of the statutory authority of DORS;
  - C) affected by other error of law, regulation, or written policy;
  - D) not reasonably supported by the evidence; or
  - E) arbitrary, capricious, or characterized by abuse of or clearly unwarranted exercise of discretion.
- 2) If the Director determines that a review is necessary, based on the recommendations made in subsection (a)(1) of this Section, the Notice shall be sent to the grievant, who shall be informed of the right to submit additional written evidence and arguments to the Director. Such additional evidence and arguments must be received within 10 working days of receipt of the Notice. If the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, such additional evidence and arguments must be received within 7 working days after receipt of the Notice.
- b) The Director's decision, citing the findings and grounds, must be mailed within 30 calendar days of the date of the Notice of Intent to Review. If the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, the Director's decision, citing the findings and grounds, must be mailed within 12 calendar days after the Notice of Intent to Review. This decision must be sent by Certified Mail, return receipt requested, to the grievant.
- c) The Director may modify, reverse or uphold the Level II Hearing Officer's decision, except if the grievance pertains to the VR program, the Director may not modify or overturn a decision or part of such a decision that supports the position of the grievant unless the Director concludes, based on clear and convincing evidence, that the decision is clearly erroneous on the basis of being contrary to federal or State law, including policy. This decision is based upon review of the grievant's case file, the Level I decision, the Level II record, the Level II Hearing Officer's decision, and any additional



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evidence and arguments submitted by the grievant.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 510.120 Exhaustion of Administrative Remedies

a) DORS administrative action becomes final: upon the decision of the Director, or, if no such review has been undertaken, 20 days after the Level II Hearing Officer's decision has been issued.

1) 20 working days from the date of the postmark on the Level II Hearing decision, if the customer does not request a Level II hearing;

2) 20 working days after the date of the Level II Hearing decision, if no Director's Review is performed; or

3) if a Director's Review is held, upon the decision of the Director.

b) If the grievance pertains to the conduct of a customer client at the adult residential training program for persons with visual disabilities, DORS administrative action becomes final:

1) 3 working days from the date of the postmark on the Level II hearing decision, if the customer has not requested a Level II hearing; or

2) 7 working days after the date of the Level II hearing decision, if no Director's Review is performed; or

3) if a Director's Review is performed, upon the decision of the Director, or, if no such review has been undertaken, 7 working days after the Level II Hearing Officers decision has been issued.

c) Any further appeal (other than by a vendor in the Vending Facilities Program for the Blind or by a grievant under the Grant Funds Recovery Act) must be made to the courts by common law writ of certiorari. A vendor in the Vending Facilities Program for the Blind must first file an appeal with the U.S. Department of Education in accordance with the Randolph-Sheppard Act (20 U.S.C. 107 et seq.). A grievant under the Grant Funds Recovery Act must file under the Administrative Review Law ~~§§§ Rev-Stat-1997-ch-107-par--3-101~~ [735 ILCS 5/Art. III 3-101].

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Prescreening

2) Code Citation: 89 Ill. Adm. Code 681

3) Section Numbers: Proposed Action:

|        |             |
|--------|-------------|
| 681.10 | Amendments  |
| 681.20 | Amendments  |
| 681.30 | Amendments  |
| 681.35 | New Section |
| 681.40 | Amendments  |
| 681.50 | Amendments  |

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: In conjunction with the Department of Public Aid, Department of Mental Health and Developmental Disabilities, and Department on Aging, DORS is amending its rules on prescreening of individuals seeking nursing home placement to require all individuals to be prescreened. Previously only those seeking Medicaid payment for the placement were required to undergo prescreening.

DORS will participate in Public Hearings on these rules with the other cooperating departments.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

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Telephone number: (217)785-3896

TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: None.

B) Reporting, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Rule begins on the next page:

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## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 89: DEPARTMENT OF REHABILITATION SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 681  
PRESCREENING

| Section | Who Must be Prescreened                        |
|---------|--|
| 681.10  | DORS Prescreening Responsibilities             |
| 681.20  | Prescreening Process                           |
| 681.30  | Assessment Validity Period and Customer Rights |
| 681.35  | Time Frames for Action on Prescreenings        |
| 681.40  | Outcome of Prescreening Process                |
| 681.50  | Certification of Prescreening Results          |
| 681.60  | Necessity of Prescreening                      |
| 681.70  |  |

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

**SOURCE:** Adopted at 19 Ill. Reg. 5086, effective March 21, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 681.10 Who Must be Prescreened**

Per Department of Public Aid (DPA) rules found at 89 Ill. Adm. Code 140.642, all individuals ages 18 through 59 who are not determined to be developmentally disabled or classified with severe mental illness as determined through completion of the Level I ID Screen (ORPA11) and order, who may seek Medicaid-funding-for ICF or SNF placement, must be prescreened.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 681.20 DORS Prescreening Responsibilities**

- a) DORS must prescreen any individual who is at least 18 years of age, but less than 60 years of age, who is seeking Medicaid--funding--for institutional placement in an Intermediate Care Facility (ICF) or Skilled Nursing Facility (SNF) as a result of a physical disability and/or has been diagnosed as having AIDS, AIDS related complex or HIV. DORS does not prescreen individuals who:
  - 1) are less than 18 years of age, or 60 years of age or older;
  - 2) will--have-their-institutional-placement-funded-by-a-source-other-than-Medicaid-for-at-least-60-calendar-days;
  - 2)3) are transferred from one ICF or SNF to another (e.g., ICF to ICF, SNF to SNF, ICF to SNF, SNF to ICF);
  - 3)4) resided in an ICF or SNF for a period of at least 60 calendar



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days who are returning to an ICF or SNF after an absence of not more than 60 calendar days;

4)5) are returning to an ICF or SNF after an absence for medical care, regardless of the duration of the absence; or

5)6) have a diagnosis of developmental disability or mental illness, regardless of age.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 681.30 Prescreening Process

The ~~the~~ major component of the Prescreening process is the completion of the DON and the Inter-Agency Certification of Imminent Risk (DPA:2536). This assessment form, completed by the counselor, or appropriate representation of a cooperating social service agency/hospital who has been trained by DORS or DoA, from input by the customer, measures the level of impairment of an individual and the unmet need the individual has as a result of the impairment. Determination of eligibility ~~for Medicaid-payment~~ for institutional care and eligibility for HSP services is based on the points earned in both of these categories and their totals.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 681.35 Assessment Validity Period and Customer Rights

A prescreening shall be valid for a period of 90 calendar days from the date of completion. The individual who is prescreened shall be informed of:

- a) the availability of services through the Home Services Program, if such services are appropriate;
- b) his/her right to refuse nursing facility placement, Home Services, or both; and
- c) the potential impact of converting to Medicaid after entering a nursing facility.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 681.40 Time Frames for Action on Prescreenings

- a) If a request for a prescreening is received by DORS from a cooperating social service agency/hospital which is providing DORS with customer information including a DON score, the counselor must act on the request within 2 working days.
- b) If a request for prescreening is received by DORS from a non-cooperating agency/hospital which will include only basic customer information (i.e., name, address, etc.), the counselor must act on the

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request within 5 ~~10~~ working days.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 681.50 Outcome of Prescreening Process

As a result of the Prescreening, the individual will be determined as:

- a) eligible ~~to receive Medicaid-payment~~ for institutional placement and therefore eligible to consider HSP as an alternative to institutional care; or
- b) ineligible ~~to receive Medicaid-payment~~ for institutional placement or to receive HSP services. ~~However, the individual may still be eligible to receive HSP services.~~

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Number: Adopted Action:  
302.30 Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/8b.7].
- 5) Effective Date of Rulemaking: February 13, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 13, 1996
- 9) Notice of Proposal Published in Illinois Register: October 20, 1995; 19 Ill. Reg. 14504
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: In Subsection 302.30(g), added after "documents" the phrase "(discharge information such as DD-214)". Also, deleted "as required".  
Several minor editing changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment is intended to conform the existing rule with provisions in current law regarding veterans preference.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TDD: (217)785-3979

The full text of the Adopted Amendments begins on the next page.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 302

## MERIT AND FITNESS

## SUBPART A: APPLICATION AND EXAMINATION

|         |  |
|---------|--|
| Section | Examinations   |
| 302.10  | Time, Place, Conduct, Cancellation, Postponement and Suspension of |
| 302.20  | Examinations   |
| 302.30  | Veterans Preference  |
| 302.40  | Announcement of Examination  |
| 302.52  | Notice to Eligibles  |
| 302.55  | Grading Examinations   |
| 302.60  | Retaking or Regarding Examinations                                 |
| 302.70  | Application and Eligibility  |

## SUBPART B: APPOINTMENT AND SELECTION

|         |                                       |
|---------|---------------------------------------|
| Section | Eligible Lists                        |
| 302.80  | Appointments                          |
| 302.90  | Alternative Employment                |
| 302.91  | Geographic Preference                 |
| 302.100 | Pre-Employment Screening              |
| 302.105 | Appointment From Eligible List        |
| 302.110 | Responsibilities of Eligibles         |
| 302.120 | Removal of Names From Eligible Lists  |
| 302.130 | Replacement of Names on Eligible List |
| 302.140 | Appointment and Status                |
| 302.150 | Extension of Jurisdiction B           |
| 302.160 |                                       |

## SUBPART C: TRAINEES

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|---------|-------------------------------------|
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| 302.175 | Limitations on Trainee Appointments |
| 302.180 |                                     |

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| 302.215 | Leave of Absence for Educational Purposes                         |
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 302.500 Voluntary Reduction of Certified and Probationary Employees  
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 302.530 Order of Layoff  
 302.540 Effective Date of Layoff  
 302.550 Employee Opportunity to Seek Voluntary Reduction  
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## SUBPART K: DISCHARGE AND DISCIPLINE

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 302.628 Prohibited Disciplinary Action  
 302.630 Disciplinary Action Warning Notice  
 302.640 Suspension Totalling Not More Than Thirty Days in any Twelve Month Period  
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## NOTICE OF ADOPTED AMENDMENTS

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 302.822 Appointees Under Term Appointments  
 302.823 No Promotion to Positions Covered by Term Appointments (Repealed)  
 302.824 No Reallocation to Term Positions  
 302.825 Reemployment Rights to Term Appointment  
 302.830 Expiration of Term Appointment  
 302.840 Renewal Procedures  
 302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)  
 302.842 Effective Date of Reappointment or Termination (Repealed)  
 302.846 Change in Position Factors Affecting Term Appointment Exclusion  
 302.850 Reconsideration Request  
 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369  
 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985,



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for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective FEB 1 1996.

## SUBPART A: APPLICATION AND EXAMINATION

## Section 302.30 Veterans Preference

a) Appropriate preference in entrance examinations shall be granted to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country (as set forth in Section 8b7 of the Personnel Code) and to certain other persons as set forth in this Section.

b) To be eligible, applicant must have received discharge under honorable conditions and served under one or more of the following conditions:

- 1) Served, for at least six months, in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States, or, while a U.S. citizen, must have been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or

- 2) Discharged on the grounds of hardship; or
- 3) Released from active duty because of a service connected disability; or

- 4) Served for the duration of hostilities regardless of the length of engagement.

c) Preference will be in the form of points added to the final grades of persons who otherwise qualify and are entitled to appear on the list of those eligible for appointments. Preference in entrance examinations will be granted as follows:

- 1) Ten points shall be added to the entrance examination grade for such veteran eligibles currently holding proof of a service connected disability from the United States Veterans Administration or from such allied country for service connected

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

disabilities or if the veteran is a purple heart recipient.  
2) Five points shall be added to the entrance examination grade for such veteran eligibles who have served during a time of hostilities with a foreign country; who meet the qualifications set forth in subsection (b); but who do not qualify for 10 points under subsection (c)(1).

3) A person not eligible for a preference under subsection (c)(1) or (c)(2) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:

- A) served for at least 6 months and has been discharged under honorable conditions; or
- B) has been discharged on the grounds of hardship; or
- C) was released from active duty because of a service connected disability.

An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference if the member meets the service requirements of this subsection (c)(3).

d) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.

e) A surviving unmarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section.

f) A preference shall also be given to the following individuals: 10 points for one parent of an unmarried veteran who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.

g) It is the responsibility of each agency head to obtain documentary verification that persons seeking preference under this Section are entitled to such preference. Copies of verifying documents (discharge information such as a DD-214) shall be submitted to the Department of Central Management Services.

(Source: Amended at 20 Ill. Reg. 3507, effective FEB 1 1996)





## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 31, 1996
- 9) Notice of Proposal Published in Illinois Register: October 13, 1995; 19 Ill. Reg. 13996
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR and no letter was issued.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: These rules are obsolete and have been replaced by a new Part at 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools).
- 16) Information and questions regarding this adopted repealer shall be directed to:

Jim Burke  
 Illinois State Board of Education  
 100 North First Street  
 Springfield, IL 62777-0001  
 (217) 782-2491

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## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Efficient and Adequate Standards for the Building Specifications for the Construction of Schools
- 2) Code Citation: 23 Ill. Adm. Code 175
- 3) Section Number: Adopted Action:
- |         |        |
|---------|--------|
| 175.10  | Repeal |
| 175.20  | Repeal |
| 175.30  | Repeal |
| 175.40  | Repeal |
| 175.50  | Repeal |
| 175.60  | Repeal |
| 175.110 | Repeal |
| 175.120 | Repeal |
| 175.130 | Repeal |
| 175.140 | Repeal |
| 175.150 | Repeal |
| 175.160 | Repeal |
| 175.210 | Repeal |
| 175.220 | Repeal |
| 175.230 | Repeal |
| 175.240 | Repeal |
| 175.250 | Repeal |
| 175.255 | Repeal |
| 175.260 | Repeal |
| 175.265 | Repeal |
| 175.270 | Repeal |
| 175.275 | Repeal |
| 175.280 | Repeal |
| 175.285 | Repeal |
| 175.287 | Repeal |
| 175.290 | Repeal |
| 175.295 | Repeal |
| 175.310 | Repeal |
| 175.320 | Repeal |
| 175.330 | Repeal |
| 175.410 | Repeal |
| 175.420 | Repeal |
| 175.430 | Repeal |
| 175.440 | Repeal |
| 175.450 | Repeal |
| 175.460 | Repeal |
| 175.470 | Repeal |
| 175.480 | Repeal |
| 175.490 | Repeal |
| 175.495 | Repeal |
| 175.498 | Repeal |

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

175.505 Repeal  
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## NOTICE OF ADOPTED REPEALER

175.650 Repeal  
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175.692 Repeal  
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175.730 Repeal  
175.740 Repeal  
175.750 Repeal  
175.760 Repeal  
175.770 Repeal  
175.780 Repeal  
175.790 Repeal  
175.TABLE A Repeal  
175.TABLE B Repeal

4) Statutory Authority: 105 ILCS 5/2-3.12

5) Effective Date of Rules: February 13, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 31, 1996

9) Notice of Proposal Published in Illinois Register: October 13, 1995; 19 Ill. Reg. 14162

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR and no letter was issued.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: These rules are obsolete and have been replaced by a new Part at 23 Ill. Adm. Code 180 (Health/Life Safety Code



## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED REPEALER

for Public Schools).

- 16) Information and questions regarding this adopted repealer shall be directed to:

Jim Burke  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 782-2491

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: School Technology Program

- 2) Code Citation: 23 Ill. Adm. Code 575

- 3) Section Number: Adopted Action:

|        |             |
|--------|-------------|
| 575.10 | New Section |
| 575.20 | New Section |
| 575.30 | New Section |
| 575.40 | New Section |
| 575.50 | New Section |
| 575.60 | New Section |

- 4) Statutory Authority: 105 ILCS 5/2-3.117 (see P.A. 89-21, effective July 1, 1995)

- 5) Effective Date of Rules: February 13, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

- 8) Date Filed in Agency's Principal Office: January 31, 1996

- 9) Notice of Proposal Published in Illinois Register: October 6, 1995; 19 Ill. Reg. 13701

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: The 30-day timeframe set forth in Section 575.30(a) has been lengthened to 45 days.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR and no letter was issued.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rules: These rules implement P.A. 89-21, which created the School Technology Program. Under these rules, the State Board will make funds available to Illinois school districts for technology-related investments, including pertinent staff training. The rules define the allowable uses of funds; describe the application process; provide for matching effort by grant recipients; and set forth

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

the applicable terms of the grants.

- 16) Information and questions regarding this adopted rule shall be directed to:

Sharon Roberts  
Learning Technologies  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777-0001  
(217) 782-5596

The full text of the Adopted Rule begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 575

## SCHOOL TECHNOLOGY PROGRAM

| Section | Purpose                           |
|---------|-----------------------------------|
| 575.10  | Eligible Expenditures             |
| 575.20  | Application Procedure and Content |
| 575.30  | Matching Requirements             |
| 575.40  | Proposal Review and Approval      |
| 575.50  | Terms of the Grant                |

AUTHORITY: Implementing and authorized by Section 2-3.117 of the School Code [105 ILCS 5/2-3.117](see P.A. 89-21, effective July 1, 1995).

SOURCE: Adopted at 20 Ill. Reg. **3522**, effective FEB 13 1996.

## Section 575.10 Purpose

This Part establishes the procedures and criteria for approval of applications for funding submitted by school districts pursuant to Section 2-3.117 of the School Code [105 ILCS 5/2-3.117] (see P.A. 89-21, effective July 1, 1995).

## Section 575.20 Eligible Expenditures

- a) Funding is available under the School Technology Program for Technology-based learning resources which will improve educational opportunities and student achievement throughout the State (Section 2-3.117 of the School Code).
- b) "Technology-based learning resources" shall include but not be limited to:
- 1) computers, servers, modems, printers, and other peripheral equipment;
  - 2) software and optical media;
  - 3) CD-ROM drives and laser disc players;
  - 4) installation, cabling, wiring, network hardware, and routers;
  - 5) on-line services and charges for connectivity;
  - 6) other equipment or technological devices integral to the effective use of technology in an educational setting; and
  - 7) staff development and/or planning activities related to the use of technology in an educational setting.
- c) Funding levels available to districts may vary according to the extent

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED RULES

of their pre-existing technology-related investments (e.g., access or lack of access to the Internet, sufficiency or insufficiency of computer equipment). The State Board shall delineate any such parameters in an RFP issued pursuant to Section 575.30 of this Part.

**Section 575.30 Application Procedure and Content**

- a) Subject to the availability of funds, the State Board of Education will annually issue one or more Requests for Proposals (RFPs) specifying particular areas of technology investment eligible for funding. Each RFP shall identify the information which applicants must include in their proposals and shall require that proposals be submitted to the State Board no later than the date specified in the RFP. An RFP shall provide at least 45 calendar days in which to submit proposals.
- b) Each proposal shall consist of the following components:
  - 1) A cover page, completed on a form supplied by the State Board of Education and signed by the school district superintendent;
  - 2) A description of the district's need for the proposed project, activity, and/or resources in light of the technology-based learning resources available to the district's staff and students;
  - 3) A narrative description of the proposed project, activity, and/or resources requested, responding to the requirements enumerated in the relevant RFP;
  - 4) A statement that the district will provide the matching resources required under the RFP, if applicable (see Section 575.40 of this Part);
  - 5) Identification of the staff members to be involved in the proposed activities and a description of how they were chosen;
  - 6) If requested, a plan for evaluating the proposed project, activities, and/or use of resources, which shall correspond to the applicable specifications set forth in the RFP;
  - 7) Budget information, provided on forms supplied by the State Board of Education; and
  - 8) Such certifications and assurances as the State Board of Education may require.

**Section 575.40 Matching Requirements**

School districts receiving funds or technology-based resources under this program may be required to demonstrate particular forms and/or levels of local matching effort. Any such requirements shall be specified by the State Board of Education in the applicable RFP.

**Section 575.50 Proposal Review and Approval**

- a) Proposals submitted under this program will be evaluated in accordance

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with the following criteria:

- 1) The school district has demonstrated a need for the proposed project, activity, and/or resources. (30 points)
- 2) There is a clearly expressed relationship between the proposed project, activity, and/or resources and the district's educational goals, learning approaches, and/or school improvement plans. (30 points)
- 3) Receipt of funding under this program will contribute to the accomplishment of the district's long-term plans for the use of technology. (20 points)
- 4) The school and district staff to be involved were chosen in a manner congruent with the district's educational goals and school improvement plans. (10 points)
- 5) The district has well-developed strategies for drawing upon community resources to improve student learning. (10 points)
- b) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to districts with varying demographic characteristics.
- c) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Board in a particular RFP.
- d) The State Superintendent of Education will determine the amount of individual grant awards. The final award amounts will be based upon:
  - 1) the total amount of funds available for the program; and
  - 2) the resources requested in the top-ranked proposals, as identified pursuant to subsections (a), (b), and (c) of this Section.

**Section 575.60 Terms of the Grant**

An approved grant agreement with the Illinois State Board of Education is subject to the following terms.

- a) Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education according to a negotiated payment schedule. Following negotiations, contract budgets may be amended by completing an amendment to the Budget Summary and Payment Schedule and attaching supplementary documentation providing a rationale for the changes. A budget amendment must be submitted to the State Board of Education for approval whenever an individual line item changes by \$500 or 10%, whichever is larger. Changes will be approved if the proposed distribution of funds would have been allowable within the original application.
- b) All funds granted and all equipment purchased with funds granted under this program shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Funds and equipment granted for the operation of this program shall be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget and the grantee's policies and procedures related to such expenditures. Funds may only be expended for activities occurring



## STATE BOARD OF EDUCATION

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during the grant period. No funds may be used to help support or sustain any institution controlled by any church or sectarian denomination (Article X, Section 3 of the Illinois Constitution).

- c) Each grant recipient shall submit a final report to the State Board of Education within 30 days after the end of the grant period. The report shall include:

- 1) an assessment of the extent to which the project's or activities' objectives were achieved, as specified by the State Board of Education in the RFP;
- 2) information on results or outcomes, as specified by the State Board of Education in the RFP;
- 3) a discussion of planned strategies for sustained activity in the area of technology use, including application of the resources provided under this program.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:  
304.201 Amended
- 4) Statutory Authority: Implementing Sections 5, 21, 21.1, 22, and 22.17, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17 and 27]
- 5) Effective Date of Rulemaking: February 8, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 28, 1995
- 9) Notice of Proposed Published in Illinois Register: September 3, 1995; 19 Ill. Reg. 12583
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Deleted Section 304.201(c) and Section 304.201(d) from first notice proposal.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Update the name of the Metropolitan Sanitary District of Greater Chicago to the Metropolitan Water Reclamation District of Greater Chicago.
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Audrey Lozuk-Lawless  
Illinois Pollution Control Board  
P.O. Box 505  
Dekalb, IL 60115  
(815) 753-0947

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 304

## EFFLUENT STANDARDS

## SUBPART A: GENERAL EFFLUENT STANDARDS

| Section |   |
|---------|---|
| 304.101 | Preamble                                    |
| 304.102 | Dilution                                    |
| 304.103 | Background Concentrations                   |
| 304.104 | Averaging                                   |
| 304.105 | Violation of Water Quality Standards        |
| 304.106 | Offensive Discharges                        |
| 304.120 | Deoxygenating Wastes                        |
| 304.121 | Bacteria                                    |
| 304.122 | Nitrogen (STORET number 00610)              |
| 304.123 | Phosphorus (STORET number 00665)            |
| 304.124 | Additional Contaminants                     |
| 304.125 | pH  |
| 304.126 | Mercury                                     |
| 304.140 | Delays in Upgrading (Repealed)              |
| 304.141 | NPDES Effluent Standards                    |
| 304.142 | New Source Performance Standards (Repealed) |

SUBPART B: SITE SPECIFIC RULES AND  
EXCEPTIONS NOT OF GENERAL APPLICABILITY

| Section |   |
|---------|---|
| 304.201 | Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation <del>Sanitary</del> District of Greater Chicago |
| 304.202 | Chlor-alkali Mercury Discharges in St. Clair County   |
| 304.203 | Copper Discharges by Olin Corporation   |
| 304.204 | Schoenberger Creek: Groundwater Discharges  |
| 304.205 | John Deere Foundry Discharges   |
| 304.206 | Alton Water Company Treatment Plant Discharges  |
| 304.207 | Galesburg Sanitary District Deoxygenating Wastes Discharges   |
| 304.208 | City of Lockport Treatment Plant Discharges   |
| 304.209 | Wood River Station Total Suspended Solids Discharges  |
| 304.210 | Alton Wastewater Treatment Plant Discharges   |
| 304.211 | Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough  |
| 304.212 | Sanitary District of Decatur Discharges   |
| 304.213 | UNO-VEN Refinery Ammonia Discharge  |
| 304.214 | Mobil Oil Refinery Ammonia Discharge  |
| 304.215 | City of Tuscola Wastewater Treatment Facility Discharges  |

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 304.216 Newton Station Suspended Solids Discharges  
 304.218 City of Pana Phosphorus Discharge  
 304.219 North Shore Sanitary District Phosphorus Discharges  
 304.220 East St. Louis Treatment Facility, Illinois-American Water Company  
 304.221 Ringwood Drive Manufacturing Facility in McHenry County  
 304.222 Intermittent Discharge of TRC

## SUBPART C: TEMPORARY EFFLUENT STANDARDS

## Section

- 304.301 Exception for Ammonia Nitrogen Water Quality Violations  
 304.302 City of Joliet East Side Wastewater Treatment Plant  
 304.303 Amerock Corporation, Rockford Facility

## APPENDIX A References to Previous Rules

**AUTHORITY:** Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

**SOURCE:** Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 811, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 22, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective FEB 6 1996.

## SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

## Section 304.201 Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation Sanitary District of Greater Chicago

## a) Calumet Treatment Plant Cyanide Discharges:

The effluent standards of Section 304.124 as applied to cyanide discharges, Sections 304.120(b) and (c) and Section 304.122 do not apply to BOD(5), total suspended solids, cyanide, and ammonia-nitrogen discharged from the Calumet Sewage Treatment Works of The Metropolitan Water Reclamation Sanitary District of Greater Chicago. Instead it must meet the following effluent standard, subject to the averaging rule of Section 304.104(a), effective July 1, 1988:

| CONSTITUENT             | STORET NUMBER | CONCENTRATION mg/l |
|-------------------------|---------------|--------------------|
| CBOD(5)                 | 80082         | 24                 |
| SS                      | 00530         | 28                 |
| Ammonia-Nitrogen (as N) | 00610         | 13                 |
| Cyanide                 | 00720         | 0.15               |

## b) North Side Sewage Treatment Works:

The effluent standards of Sections 304.120(b) and (c) and 304.122 do not apply to BOD(5), total suspended solids, and ammonia-nitrogen discharged from the North Side Sewage Treatment Works of The Metropolitan Water Reclamation Sanitary District of Greater Chicago. Instead, it must meet the following standard, subject to the averaging rule of Section 304.104(a) effective July 1, 1988:

| CONSTITUENT             | STORET NUMBER | CONCENTRATION mg/l |
|-------------------------|---------------|--------------------|
| CBOD(5)                 | 80082         | 12                 |
| SS                      | 00530         | 20                 |
| Ammonia-Nitrogen (as N) |               |                    |



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(April-October) 00610 2.5  
(November-March) 00610 4.0

c) Chicago-Waterway-Evaluation  
the-Metropolitan--Sanitary-District-of-Greater-Chicago-shall-complete  
and-submit-to-the-Board-a-comprehensive-water-quality-evaluation-of  
the-Chicago-Waterway-System-and-its-influence-on-the-lower-Des-Plaines  
and-Upper-Illinois-Rivers-by-January-15, 1992.--Such-evaluation-shall  
include-assessment-of-performance-levels-for-North-Side--Gaiumet--and  
Stickney--wastewater--reclamation--plants--and--the--extent--of--sewer  
overflow--reduction--through--the--Metropolitan--Sanitary--District--of  
Greater-Chicago's-Tunnel-and-Reservoir-Plan.

(Source: Amended at 20 Ill. Reg. 3528 effective

FEB 1992)

## POLLUTION CONTROL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Numbers: Adopted Action:  
303.444 Added
- 4) Statutory Authority: Implementing Sections 5, 21, 21.1, 22, and 22.17, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17 and 27]
- 5) Effective Date of Rulemaking: February 8, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 28, 1995
- 9) Notice of Proposal Published in Illinois Register: September 8, 1995; 19 Ill. Reg. 12589
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: end the Board's water quality regulations for cyanide applicable to the Metropolitan Water Reclamation District of Greater Chicago.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Audrey Lozuk-Lawless  
Illinois Pollution Control Board  
P.O. Box 505  
DeKalb, IL 60115  
(815) 753-0947

## POLLUTION CONTROL

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

## POLLUTION CONTROL

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC  
WATER QUALITY STANDARDS

## SUBPART A: GENERAL PROVISIONS

Section  
303.100  
303.101  
303.102

Scope and Applicability  
Multiple Designations  
Rulemaking Required

## SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section  
303.200  
303.201  
303.202  
303.203  
303.204

Scope and Applicability  
General Use Waters  
Public and Food Processing Water Supplies  
Underground Waters  
Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

Section  
303.300  
303.301  
303.311  
303.312  
303.321  
303.322  
303.323  
303.331  
303.341  
303.351  
303.352  
303.353  
303.361  
303.400  
303.430  
303.431  
303.441  
303.442  
303.443  
303.444

Scope and Applicability  
Organization  
Ohio River Temperature  
Waters Receiving Fluorspar Mine Drainage  
Wabash River Temperature  
Unnamed Tributary of the Vermillion River  
Sugar Creek and Its Unnamed Tributary  
Mississippi River North Temperature  
Mississippi River North Central Temperature  
Mississippi River South Central Temperature  
Unnamed Tributary of Wood River Creek  
Schoenberger Creek; Unnamed Tributary of Cahokia Canal  
Mississippi River South Temperature  
Bankline Disposal Along the Illinois Waterway/River  
Unnamed Tributary to Dutch Creek  
Long Point Slough and Its Unnamed Tributary  
Secondary Contact Waters  
Waters Not Designated for Public Water Supply  
Lake Michigan  
Salt Creek, Higgins Creek, West Branch of the DuPage River, Des

POLLUTION CONTROL  
NOTICE OF ADOPTED AMENDMENTS  
Plaines River  
SUBPART D: THERMAL DISCHARGES

Section  
303.500 Scope and Applicability  
303.502 Lake Sangchris Thermal Discharges  
APPENDIX A References to Previous Rules  
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13 and 27).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective

PLU 8-1996  
SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS  
Section 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River

The General Use chronic water quality standard for cyanide (STORET number 00718) contained in Section 302.208 does not apply to Salt Creek, Higgins Creek, the West Branch of the DuPage River, and the Des Plaines River in Cook County, Illinois. Instead, for these waters the chronic cyanide standard is 10 ug/L.

(Source: Added 8-1996 20 Ill. Reg. 3534, effective

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:  
112.70 Amendment  
112.71 Amendment  
112.72 Amendment  
112.74 Amendment  
112.76 Amendment  
112.77 Amendment  
112.78 Amendment  
112.79 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-289.

5) Effective Date of Amendments: February 15, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 15, 1996

9) Notice of Proposal Published in Illinois Register: October 13, 1995 (19 Ill. Reg. 14292)

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 112.70, "and or" was changed to "and/or".

2. In Sections 112.70(b), 112.78(a)(2)(A) and 112.78(b)(2)(A), "state" was capitalized.

3. In Section 112.70(c) in the "(See Section 112.370)" reference, "See" was changed to the lower case.

4. To incorporate amendments adopted at 20 Ill. Reg. 845, "or the pregnant or parenting individual under age 16 is required to participate in the Adolescent Parent Program (see Section 112.73)" was added at the end of Section 112.71(a)(3).

5. In Section 112.71(a)(6), the final period was stricken and replaced by



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

an underlined semicolon.

6. In Section 112.72(a)(4)(H), "court ordered" was hyphenated.
7. In Sections 112.76(b), 112.78(e)(5)(C) and 112.78(e)(5)(E), "of" was stricken and replaced by "after".
8. In Section 112.77(b), "The meeting will include the participant, the JOBS worker and a representative for the participant, if desired." was added after the third sentence.
9. In Section 112.77(c), "show" was deleted and replaced by "appear".
10. "Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit." was added at the end of Section 112.78(a)(3)(H).
11. In Section 112.78(b)(2)(D), "grant" was capitalized.
12. In Section 112.78(c)(3)(B), "of this Section" was added after "(see subsection d)(3)(B)".
13. In Section 112.78(e)(5)(B), "Participant's" was stricken and "Participants," was added before "other". Also, "their" was stricken and "the participants," was added.
14. In Section 112.78(e)(5)(B)(i), "that is" was deleted.
15. In Sections 112.78(e)(5)(B)(C)(D) and (E) and 112.78(k)(7)(B)(C)(D) and (E), all references to "participant's or other employee's (at the work site)" were stricken and replaced by "grievant's".
16. In Sections 112.78(e)(5)(C) and 112.78(e)(5)(E), "of" was stricken and replaced by "after".
17. In Section 112.78(e)(5)(D), "participant" was stricken and "grievant" was added.
18. In Section 112.78(e)(5)(F) and 112.78(k)(7)(F), "involved in the grievance" was added after "participant" and "then" was stricken.
19. In Sections 112.78(e)(5)(G) and 112.78(k)(7)(G), "a regular employee" was changed to "an employee who is not a participant".
20. In Section 112.78(f)(1)(C), "Federal" was changed to the lower case.
21. In Section 112.78(f)(3), "medicaid" was capitalized.

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## NOTICE OF ADOPTED AMENDMENTS

22. In Section 112.78(h), the Illinois Revised Statute citations were stricken and "post secondary" was hyphenated.
  23. In Section 112.78(h)(2)(H), "grant" was capitalized and "scholarship" was pluralized.
  24. In Section 112.78(h)(2)(K), "Baccalaureate Degree" was changed to the lower case.
  25. In Section 112.78(h)(2)(L)(ii), a comma was added after "teaching".
  26. In Section 112.78(h)(2)(M), "Post-Secondary Education" was changed to the lower case.
  27. In Section 112.79(a), "below" was stricken and "of this Section" was added after "subsection (b)". "Exempt or nonexempt" was changed to "Exempt and nonexempt". "For nonexempt non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate." was changed to "For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate."
  28. In Section 112.79(b), "nonexempt" was deleted.
  29. In Section 112.79(b)(3), the final closing parenthesis was stricken.
  30. In Section 112.79(c), "or not" was stricken.
  31. In Sections 112.79(c),(d), (f)(2), (f)(3) and (i) and 112.79(g), all references to "nonexempt" were deleted.
  32. In Section 112.79(i), the comma before "and" was stricken.
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
  - 13) Will these Amendments replace Emergency Amendments currently in effect? No
  - 14) Are there any Amendments pending on this part? Yes
- | Sections | Proposed Action | Illinois Register Citation              |
|----------|-----------------|---|
| 112.30   | Amendment       | February 9, 1996 (20 Ill. Reg. 2336)    |
| 112.65   | New Section     | September 15, 1995 (19 Ill. Reg. 12927) |
| 112.71   | Amendment       | January 26, 1996 (20 Ill. Reg. 1454)    |

## DEPARTMENT OF PUBLIC AID

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- 112.71 Amendment February 23, 1996 (20 Ill. Reg. )  
 112.251 Amendment July 21, 1995 (19 Ill. Reg. 10363)  
 112.252 Amendment July 21, 1995 (19 Ill. Reg. 10363)  
 112.253 Amendment July 21, 1995 (19 Ill. Reg. 10363)  
 112.254 Amendment July 21, 1995 (19 Ill. Reg. 10363)  
 112.303 Amendment October 6, 1995 (19 Ill. Reg. 13759)

15) Summary and Purpose of Amendments: Pursuant to provisions of Public Act 89-289, these amendments make the following changes to the Department's JOBS Program:

1. allows sanctioning of exempt JOBS clients who volunteer and attend the orientation and complete the employability assessment;
2. eliminates the four levels of preparation for employment;
3. allows the use of private employer sponsors for work experience and no longer limits work assignments to public service purposes;
4. allows the Department to sanction a nonexempt individual for one instance of failure to respond, without good cause, to an orientation appointment unless conciliation is successful;
5. eliminates the 30-day demonstration period during conciliation;
6. limits JOBS clients participating in Education Below Post-Secondary programs, except those attending high school, to 24 consecutive months beginning with the effective date of these amendments unless the individual is also working for at least 8 hours each week or also participating in a work-related component (Work Experience, On-the-Job Training or Exchange Program) for at least 8 hours each week; and
7. requires JOBS clients participating in Post-Secondary Education programs to also be employed part-time or participating for at least eight hours per week in an unpaid work activity such as work study, vocational internship, apprenticeship or self-employment.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna  
 Bureau of Rules and Regulations  
 Illinois Department of Public Aid  
 100 South Grand Avenue East, Third Floor  
 Springfield, Illinois 62762  
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER I: DEPARTMENT OF PUBLIC AID  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

| Section | Description of the Assistance Program |
|---------|---------------------------------------|
| 112.1   | Incorporation by Reference            |
| 112.5   |                                       |

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

| Section |   |
|---------|---|
| 112.8   | Caretaker Relative  |
| 112.9   | Client Cooperation  |
| 112.10  | Citizenship   |
| 112.20  | Residence   |
| 112.30  | Age   |
| 112.40  | Relationship  |
| 112.50  | Living Arrangement  |
| 112.52  | Social Security Numbers                                       |
| 112.54  | Assignment of Medical Support Rights                          |
| 112.60  | Lack of Parental Support or Care                              |
| 112.61  | Death of a Parent   |
| 112.62  | Incapacity of a Parent  |
| 112.63  | Continued Absence of a Parent                                 |
| 112.64  | Unemployment of the Parent                                    |
| 112.67  | Restriction in Payment to Households Headed by a Minor Parent |

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

| Section |   |
|---------|---|
| 112.70  | Participation Requirements for JOBS                                   |
| 112.71  | Individuals Exempt from JOBS  |
| 112.72  | JOBS Participation/Cooperation Requirements                           |
| 112.73  | Adolescent Parent Program   |
| 112.74  | JOBS Initial Assessment Process/Development of an Employability Plan  |
| 112.76  | JOBS Orientation  |
| 112.77  | Conciliation and Fair Hearings  |
| 112.78  | JOBS Components   |
| 112.79  | JOBS Sanctions  |
| 112.80  | Good Cause for Failure to Comply with JOBS Participation Requirements |
| 112.81  | Responsible Relative Eligibility For JOBS                             |
| 112.82  | JOBS Supportive Services  |
| 112.83  | Young Parents Program   |
| 112.84  | Work Experience Evaluation Project                                    |
| 112.85  | Four Year College/Vocational Training Demonstration Project           |

## DEPARTMENT OF PUBLIC AID

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## SUBPART E: PROJECT ADVANCE

| Section |  |
|---------|--|
| 112.86  | Project Advance  |
| 112.87  | Project Advance Experimental and Control Groups  |
| 112.88  | Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers |
| 112.89  | Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers   |
| 112.90  | Project Advance Sanctions  |
| 112.91  | Good Cause for Failure to Comply with Project Advance  |
| 112.93  | Individuals Exempt From Project Advance  |
| 112.95  | Project Advance Supportive Services  |

## SUBPART F: EXCHANGE PROGRAM

## Section

## Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

| Section |   |
|---------|---|
| 112.100 | Unearned Income   |
| 112.101 | Unearned Income of Stepparent or Parent   |
| 112.105 | Budgeting Unearned Income   |
| 112.106 | Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision |
| 112.107 | Initial Receipt of Unearned Income  |
| 112.108 | Termination of Unearned Income  |
| 112.110 | Exempt Unearned Income  |
| 112.115 | Education Benefits  |
| 112.120 | Incentive Allowances  |
| 112.125 | Unearned Income In-Kind   |
| 112.126 | Earmarked Income  |
| 112.127 | Lump Sum Payments   |
| 112.128 | Protected Income  |
| 112.130 | Earned Income   |
| 112.131 | Earned Income Tax Credit  |
| 112.132 | Budgeting Earned Income   |
| 112.133 | Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision   |
| 112.134 | Initial Employment  |
| 112.135 | Budgeting Earned Income For Contractual Employees   |
| 112.136 | Budgeting Earned Income For Non-Contractual School Employees                                    |
| 112.137 | Termination of Employment   |
| 112.138 | Transitional Payments   |
| 112.140 | Exempt Earned Income  |
| 112.141 | Earned Income Exemption   |
| 112.142 | Exclusion From Earned Income Exemption  |

## DEPARTMENT OF PUBLIC AID

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|         |   |
|---------|---|
| 112.143 | Recognized Employment Expenses  |
| 112.144 | Income From Work/Study/Training Program                               |
| 112.145 | Earned Income From Self-Employment                                    |
| 112.146 | Earned Income From Roomer and Boarder                                 |
| 112.147 | Income From Rental Property   |
| 112.148 | Payments from the Illinois Department of Children and Family Services |
| 112.149 | Earned Income In-Kind   |
| 112.150 | Assets  |
| 112.151 | Exempt Assets   |
| 112.152 | Asset Disregards  |
| 112.153 | Deferral of Consideration of Assets                                   |
| 112.154 | Property Transfers  |
| 112.155 | AFDC Income Limit   |

## SUBPART H: PAYMENT AMOUNTS

## Section

|         |   |
|---------|---|
| 112.250 | Grant Levels                              |
| 112.251 | Payment Levels in AFDC                    |
| 112.252 | Payment Levels in AFDC Group I Counties   |
| 112.253 | Payment Levels in AFDC Group II Counties  |
| 112.254 | Payment Levels in AFDC Group III Counties |

## SUBPART I: OTHER PROVISIONS

## Section

|         |  |
|---------|--|
| 112.300 | Persons Who May Be Included in the Assistance Unit                                   |
| 112.301 | Presumptive Eligibility  |
| 112.302 | Monthly Reporting  |
| 112.303 | Retrospective Budgeting  |
| 112.304 | Budgeting Schedule   |
| 112.305 | Strikers   |
| 112.306 | Foster Care Program  |
| 112.307 | Responsibility of Sponsors of Aliens   |
| 112.308 | Special Needs Authorizations   |
| 112.309 | Institutional Status   |
| 112.315 | Young Parent Program (Renumbered)  |
| 112.320 | Redetermination of Eligibility   |
| 112.330 | Twelve Month Extension of Medical Assistance Due to Increased Income from Employment |
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## SUBPART J: CHILD CARE



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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2,

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1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8147, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023,

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a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 14447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 19 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective

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SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

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effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8119, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 5017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for



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Section 112.70 Participation Requirements for JOBS

Sections 112.70 through 112.83 describe the Job Opportunities and Basic Skills Training (JOBS) Program employment, education, and training participation requirements for AFDC clients. The purpose of JOBS is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. JOBS will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and/or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individual's education and/or training all participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in JOBS based upon budget analysis of competent costs and supportive service costs for each category of individuals and in keeping with Federal Jobs participation requirements. The program offered in different counties of the State may vary depending on the extent that resources are available. Program services may be provided directly by the Illinois Department of Public Aid or through contract as allowed by federal law. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas where the Department has contracted with community colleges, the program is called Opportunities. References to JOBS and JOBS participants shall include Project Chance and Project Chance participants and Opportunities and Opportunities participants.

- a) Both exempt and nonexempt non-exempt individuals receiving AFDC may participate in JOBS when State resources permit. Individuals ~~At~~ non-exempt-individuals receiving AFDC are required to participate in JOBS only to the extent there are resources available to-serve individuals--other--than--volunteers. Participation in component activities may be mandated for nonexempt non-exempt individuals. Parents in the AFDC-U case may be required to participate in the Unemployed Parent Work Experience component unless they are exempt under one of the exemption criteria (see Section 112.71). Participation may be limited for non-exempt-and-exempt-individuals based on component cost or available funds for supportive services for participating individuals. Dependent-children-under-16--who--are--not parents--cannot--participate--in-JOBS-unless-they-are-participating-in-the-Youth-Employment-and-Training-Initiative
- b) JOBS services will be offered to exempt-and-non-exempt individuals who wish to volunteer to participate. Volunteers will be served first. However, participation may be mandated for nonexempt non-exempt individuals if needed to serve adequate numbers in the target populations<sup>7</sup> or if State state resources are available to provide

services beyond this volunteer population. Exempt and nonexempt non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan and assignment to a component (see Section 112.74). Participation may be limited for volunteers if State state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, exempt and nonexempt non-exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Nonexempt Non-exempt individuals who are mandated to participate but fail to attend the orientation meeting or to complete the Initial Assessment, without good cause, may be sanctioned.

- c) If State resources are insufficient to provide component and supportive service costs for JOBS participants, child care, if needed, will be provided when the education or training activity for non-JOBS individuals in JOBS areas is approved based on the same criteria, except the criterion that requires individuals to participate an average of 20 hours each week<sup>7</sup> that is used for JOBS individuals described in Section 112.78 (See Section 112.370). Non-JOBS individuals will request child care using the Department of Children and Family Services' request for child care services and registration. JOBS participation may be mandated to the extent resources allow and to the extent needed to meet federal Federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals.
- d) JOBS resources will be targeted to the following groups:
  - 1) current recipients who have received AFDC for any 36 of the preceding 60 months;
  - 2) custodial parents under age 24 who have not completed high school or have little or no work experience within the preceding year; or
  - 3) members of families in which the youngest child is within two years of being ineligible for AFDC because of age.
- e) A custodial parent under age 20 who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six. This requirement is conditioned upon provision to the young parent of all necessary child care services.
- g) A custodial parent age 16 or 17 may be excused from educational activities directed toward obtaining a high school diploma (or



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equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.

- b) A custodial parent who is age 18 or 19 may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or

- 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

- i) Individuals age 20 or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

- 1) the individual reads at the 9.9 grade level; or
- 2) the long-term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

- j) A parent or other relative personally caring for a child under age six will not be required to participate in JOBS for more than 20 hours per week except as specified in subsection (f) of this Section above.

- k) Children in AFDC cases who are ages 14-18 and attend school may be required to participate in the Youth Employment and Training Initiative under the Project Chance program.

(Source: Amended at 20 Ill. Reg. 358, effective FEB 15 1996)

## Section 112.71 Individuals Exempt from JOBS

- a) An individual shall be exempt from JOBS participation when that individual:

- 1) Is age 16 through 18 in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance unless the child is required to participate in the Youth Employment and Training Initiative. If the individual loses this exemption because he or she is no longer in school, the exemption is no longer applicable even if the individual returns to school;

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- 2) Temporary and Chronic Illness or Injuries

- A) Temporary Illness and Injuries

- i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (for example e.g., statement from a medical provider) or on another sound basis that the illness or injury ~~fitness/injury~~ is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS. A sound basis for exemption from JOBS on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

- ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;

- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;

- 3) Is under age 16 or is age 60 years or older unless the child is required to participate in the Youth Employment and Training Initiative or the pregnant or parenting individual under age 16 is required to participate in the Adolescent Parent Program (see Section 112.73);

- 4) Resides in an area remote from the JOBS office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation

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available;

- 5) Has another household member for whom that individual must provide full-time care;
- 6) Is the parent or other caretaker relative of a child under age three in the home (other than a minor parent under age 20 without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason;
- 7) Employment
  - A) Is employed 30 hours or more per week;
  - B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten work days;

- 8) Is in the 4th month of pregnancy or later; or

- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).

- b) Individuals who request an exemption from participation in JOBS shall do so in writing with the assistance of the JOBS worker or other Department staff, if needed, and shall receive a written notice of decision on such request within 45 days. Requests for an exemption may be made at:
  - 1) application for assistance;
  - 2) orientation;
  - 3) assessment;
  - 4) reassessment;
  - 5) AFDC eligibility redeterminations;
  - 6) child request; or
  - 7) whenever information received by the Department indicates the possibility of an exemption.

- c) Exempt individuals may volunteer for JOBS. However, exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective FEB 15 1996)

## Section 112.72 JOBS Participation/Cooperation Requirements

- a) An individual is required to participate in JOBS by:
  - 1) Cooperating with JOBS. Cooperation with JOBS is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, participating in assessment and literacy tests, and complying with the

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requirements of JOBS component activities identified in Sections 112.78 and 112.79.

- 2) Responding to a job referral of suitable employment (that is ~~re-~~, a written statement referring a participant to an employer for a specific position).

- 3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:
  - A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security; ~~and~~

- B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
- C) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.

- 4) Suitable employment must meet the following criteria:

- A) Wages offered must be at least the greater of:
  - i) the federal ~~Federal~~ minimum wage; or
  - ii) the State minimum wage.

- B) Subminimum training wages offered must be at least the greater of:
  - i) the federal ~~Federal~~ subminimum training wage; or
  - ii) the State subminimum training wage.

- C) If the wages are offered on a piece-rate basis, wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in Section 112.72(a)(4)(A).

- D) The participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.

- E) There is no unreasonable degree of risk to the participant's health and safety.

- F) The participant is physically and mentally competent to perform the work.

- G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job (that is ~~e-g~~, no more than two hours commuting time for an eight hour work day).

- H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual

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necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to earnings, unearned income and cash assistance. Necessary and reasonable expenses include: all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court-ordered ~~cost--ordered~~ income withheld from earnings; child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 through ~~the~~ 112.418); and transportation costs to get to and from employment including travel for child care at the Department's established rates.

5) Participants must register and appear for interviews at the Department of Employment Security's Job Service offices when required by a JOBS component activity.

b) Additionally, participants who are part-time employed as defined in Section 112.64(d)(1), must:

- 1) continue their part-time employment as defined in Section 112.64(d)(1); and
- 2) not reduce their employment (that is ~~the~~, voluntarily reducing work hours).

c) Failure of a nonexempt ~~non-exempt~~ individual who is mandated to participate/cooperate with the JOBS requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79. Exempt or nonexempt individuals who volunteer to participate in JOBS and attend the orientation meeting and become a program participant by completing the Initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements without good cause (see Section 112.79).

d) Failing to achieve certain grades or competency levels or goals in educational, training or work activity shall not constitute failure to participate in JOBS, but shall be addressed through a reassessment requested by the participant or JOBS.

(Source: Amended at 20 Ill. Reg. **3538**, effective ~~FEB 15 1996~~)

## Section 112.74 JOBS Initial Assessment Process/Development of an Employability Plan

a) Initial Assessment to Develop an Employability Plan

- 1) All individuals shall undergo an initial assessment to develop an employability plan.
- 2) The initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests,

aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example ~~e-g~~, health, physical or mental limitations, child care, family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or JOBS staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and JOBS staff shall work together to identify any supportive service needs required to enable them to participate in JOBS and meet the objectives of their employability plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The ~~initial~~ assessment process shall include standard literacy testing and a determination of English language proficiency.

3) The employability plan must:

- A) contain an employment goal of the participant;
- B) describe the services to be provided by the agency, including child care and other supportive services;
- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by JOBS such as participation by a child in drug education or in life skills planning sessions.

4) The employability plan shall take into account:

- A) available program resources;
- B) the participant's supportive service needs;
- C) the participant's skills level and aptitudes;
- D) local employment opportunities;
- E) to the maximum extent possible, the preferences of the participant;
- F) the employability plan shall not be considered a contract;
- G) final approval of the plan rests with the JOBS program; and
- H) the participant shall be offered a copy of the employability plan.

b) Occurrence of the Initial Assessment

- 1) The initial assessment shall take place before a participant is assigned to any JOBS component. All participants will be scheduled to begin the initial assessment within 14 working days after orientation.
- 2) The participant will be notified in writing of the initial assessment meeting. The notice shall include the following information:



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- A) the date and time of the interview;  
 B) a description of the purpose of the interview;  
 C) the consequences of failing to attend;  
 D) the right to re-schedule for good cause;  
 E) the right to request child care and transportation to attend; and  
 F) the name of the person to contact for such purposes.
- c) During the initial assessment, the employability plan, the individual's level of preparation for employment and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example e.g., health, physical or mental limitation, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and JOBS staff shall work together to identify any supportive service needs required to enable them to participate in JOBS and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments. The initial assessment process shall include standard literacy testing and a determination of English language proficiency. Literacy level is defined as reading at a 9.9 grade level or above. Based on the initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate an average of 20 hours each week to enable the State of Illinois to obtain maximum federal Federal match monies unless special circumstances prevent 20 hours of participation each week. Special circumstances are based on the participant's physical capacity, skills, experience, health and safety and family responsibilities. Components may be combined to increase the hours of participation to 20 hours each week as required for Federal Financial Participation (FFP). The decision will be based on a determination of the individual's level of preparation for employment. The four levels are as follows:
- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc., will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate but not job ready and in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:

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- A) individuals with limited English proficiency;  
 B) individuals under age 20 who do not have a high school diploma; and  
 C) individuals age 20 and over who do not read at or above a 9.9 grade level.
- 3) Individuals ready to participate but lacking the necessary education or training for employment, need job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.
- 4) Job ready individuals will be referred to job readiness activities, job placement or job search, to be "job ready", an individual must possess the following attributes:
- A) A job ready individual must have:
- i) transportation ability to get to the work site;
  - ii) clothes (suitable and appropriate for the type of work);
  - iii) child care;
  - iv) tools (if required and not supplied by the employer);
  - v) certificates/licenses and/or degree (if required);
  - vi) a medical release (where needed, such as workers recently on disability);
  - vii) mental and emotional capability of employability;
  - viii) freedom from any dependency on drugs or alcohol; and
  - ix) motivation to find and hold a job.
- B) Plus one or more of the following:
- i) marketable skills through work history (i.e., current or within the past 24 months and a work history in the area of interest or area to which the referral is requested);
  - ii) marketable skills through education and/or training (i.e., current or within the past 24 months and is able to meet area of occupation being sought and is able to meet the entry level requirements of the occupation);
  - iii) if requesting the referral to a specific job order the individual must meet all requirements listed on the order; or
  - iv) new entrants into the job market and persons meeting entry level requirement of specific job.
- d) Reassessment
- 1) A reassessment will be conducted to assess a participant's progress and to review the employability plan at least at the following times:
- A) upon completion of a component activity and before assignment to a component activity;
  - B) upon the request of the participant;
  - C) if the individual is not cooperating with the requirements of the program;

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- D) if the individual has failed to make satisfactory progress in an education or training program;
- E) upon completion of an academic term;
- F) upon referral from DES or other entities; and
- G) every 12 consecutive months for individuals participating in an Unemployed Parent Work Experience component work assignment.
- 2) The reassessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.
- 3) The employability plan must:
- A) contain an employment goal of the participant;
  - B) describe the services to be provided by the agency, including child care and other supportive service;
  - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
  - D) describe any other needs of the family that might be met by JOBS such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
- A) available program resources;
  - B) the participant's supportive service needs;
  - C) the participant's skills level and aptitudes;
  - D) local employment opportunities;
  - E) to the maximum extent possible, the preferences of the participant.
- 5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.
- e) If a nonexempt non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.
- f) If the nonexempt non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.
- g) JOBS participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (for example erg, child care provided by the Department of Children and Family Services).
- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

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(Source: Amended at 20 Ill. Reg. **3538**, effective FEB 15 1996)

## Section 112.76 JOBS Orientation

- a) At the time of application and at the time of the first face-to-face ~~face-to-face~~ redetermination (after April 1, 1990), all AFDC applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the JOBS program and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:
- 1) education, employment and training opportunities available;
  - 2) supportive services including child care;
  - 3) the obligation of the agency to provide supportive services;
  - 4) the rights and responsibilities of participants; and
  - 5) the types and locations of child care services.
- b) Within one month after of the determination of eligibility for AFDC or at other appropriate times, the JOBS program will notify the individual in writing via a letter regarding how he or she can enter the program ~~as-at-other-appropriate-times~~. The client may then volunteer for the JOBS program but will in no event be sanctioned for failure to volunteer.
- c) Exempt and nonexempt non-exempt volunteers will be sent an orientation appointment letter concerning JOBS. The letter shall include the following:
- 1) the date and time of the meeting;
  - 2) a description of the program and the purpose of the meeting;
  - 3) information on how to reschedule the meeting if necessary;
  - 4) the right to request child care or transportation services to attend; and
  - 5) the name of the person to contact for such purposes.
- d) Nonexempt Non-exempt individuals may be required to enter the JOBS program and attend the orientation. JOBS will send these nonexempt non-exempt individuals an appointment letter requiring that they attend a JOBS Orientation meeting. The letter shall include the following information:
- 1) the fact that they are nonexempt non-exempt and are required to participate;
  - 2) the right to request an exemption;
  - 3) a complete description of all available exemptions;
  - 4) the date and time of the meeting;
  - 5) a description of the program and the purpose of the meeting;
  - 6) the consequences of failing to attend;
  - 7) the right to reschedule the appointment with good cause;
  - 8) the right to request child care or transportation services to attend; and
  - 9) the name of the person to contact for such purposes.
- e) At the Orientation meeting JOBS staff inform the participant of JOBS



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participation requirements, distribute a copy of the JOBS handbook to participants, and explain its contents. The JOBS handbook contains program information including the following:

- 1) an overview of JOBS;
- 2) the exemption criteria listed in Section 112.71 and the procedure for obtaining an exemption;
- 3) a description of all JOBS components, eligibility criteria, and specific participation requirements for each component;
- 4) general participation requirements; for example ~~for~~, appearing for scheduled meetings with JOBS staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72);
- 5) the support services identified in Section 112.82;
- 6) the initial assessment process and reassessment including review of the employability plan (see Section 112.74); and
- 7) the result of the participant's failure to cooperate without good cause with JOBS.

f) Participants must attend all Orientation meetings or notify their JOBS worker of good cause to be excused and have their meeting rescheduled (see Section 112.80).

1) If a ~~nonexempt~~ **non-exempt** participant is required to participate due to insufficient number of volunteers and fails to attend an Orientation meeting ~~on two-separate-occasions~~ without good cause (see Section 112.80), sanction rules shall apply. Exempt and ~~nonexempt~~ **non-exempt** volunteers will not be sanctioned for failure to attend orientation.

2) If the ~~nonexempt~~ **non-exempt** participant who was required to participate due to insufficient number of volunteers fails to attend an Orientation meeting ~~on two-separate-occasions~~ but has good cause ~~on-at-least-one-occasion~~ (see Section 112.80), sanction rules shall not apply.

g) Expenses for transportation and child care services will be provided to enable participants to attend the Orientation meeting, if requested.

(Source: ~~FEB 15~~ at 20 Ill. Reg. **3538**, effective ~~FEB 15~~)

## Section 112.77 Conciliation and Fair Hearings

a) The Department shall establish a conciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, orientation, assessments, employability plans, assignment to components, suitability of employment, or refusals of offers of employment.

b) A participant of JOBS may request conciliation and receive notice in writing of a meeting. Conciliation must begin within 14 work days

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upon request or from the participant's failure to meet JOBS requirements. At least one face-to-face meeting may be scheduled with JOBS and the participant to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will include the participant, the JOBS worker and a representative for the participant, if desired. ~~The meeting will include the participant, JOBS worker, a neutral person and a representative for the participant, if desired. If the participant and JOBS worker cannot resolve the issue, the meeting will address the underlying reason or reasons reasons for the dispute and plan a resolution to enable the individual to participate in JOBS. Conciliation may be completed by telephone if both parties agree. If the telephone conciliation is unsuccessful, a face-to-face meeting shall be scheduled to conciliate.~~

c) If the conciliation is scheduled due to the individual's failure to respond to the orientation appointment without good cause, the orientation and employability assessment will be completed at the conciliation. If the individual fails to appear at the conciliation meeting, the conciliation is unsuccessful and a sanction will be imposed.

d) ~~The conciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the conciliation process which will last no more than 30 days.~~

e) ~~During the conciliation process, the following is completed:~~

- 1) a discussion of the nature of the problem or dispute and potential resolution;
- 2) an explanation of the individual's rights and responsibilities;
- 3) a review of the employability plan;
- 4) a discussion of expectations of the participant and JOBS; and
- 5) development of a conciliation agreement and fulfillment of it following the conciliation meeting. The requirement(s) of the agreement cannot be contrary to JOBS participation requirements; and <sup>7</sup>

6) an orientation and employability assessment shall be completed if the individual failed to respond to an orientation appointment.

f) ~~JOBS will document in the case record the proceedings of the conciliation and provide the client in writing with a conciliation agreement.~~

g) ~~If conciliation resolves the dispute, no sanction will occur and any previous failure to participate in JOBS without good cause will not count as a sanctionable event in the future. If the dispute cannot be resolved during conciliation, a sanction will not occur until the conciliation process is complete. The participant has the right to request an appeal hearing through the Department's fair hearing process.~~



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(Source: Amended at 20 Ill. Reg. **3538** ---, effective FEB 15 1996)

## Section 112.78 JOBS Components

## a) Education (Below Post-Secondary Post-Secondary)

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example e-g, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

## 1) Assignment to Education (Below Post-Secondary Post-Secondary)

A) Individuals to be assigned to Education may include but are not limited to the following:

- i) custodial parents under age 20 who do not have a high school degree or equivalent;
- ii) individuals with limited English proficiency;
- iii) individuals age 20 and over who do not read at or above a 9.9 grade level;
- iv) individuals age 20 and over who do not have a high school degree or its equivalent and wish to obtain one.

B) Parents ages 16 and 17 may be excused from educational activities if the parent is unable to participate in educational activities due to his or her his/her own mental or physical illness or that of his or her his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.

C) Parents age 18 and 19 may be assigned to training or work activities instead of educational activities if:

- i) the parent fails to make good progress in successfully completing education activities; or
- ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the JOBS program; or
- iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.

D) Educational activities may be combined with other component activities if it is determined appropriate.

## 2) Approval criteria for education (Below Post-Secondary Post Secondary)

- A) The individual's program must be accredited under State state law.
  - B) The individual's program must be needed for the participant to complete his or her employability plan.
  - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
  - D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- 3) Participation Requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
  - B) The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.
  - C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
    - i) active participation and pursuit of educational objectives;
    - ii) teacher's written remarks;
    - iii) grades;
    - iv) demonstrated competencies;
    - v) classroom exercises; and
    - vi) periodic test/retest results.
  - D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
  - E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
  - F) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
  - G) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with

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the employability plan.

- H) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least eight hours each week or participates in a work component (for example, Work Experience, On-the-Job Training or Exchange Program) for at least eight hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.

## b) Job Skills Training (Vocational)

Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.

- 1) Self-initiated activity qualifies as "self-initiated ~~self~~ initiated education or training" for this component if:

- A) The participant is attending at least half-time as defined by the institution;
- B) The participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and
- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) through ~~thru~~ (J).

## 2) Approval Criteria For Job Skills Training (Vocational)

- A) The individual's program must be accredited under requirements of State ~~state~~ law.
- B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
- C) The individual must have a high school diploma or GED, if required, for training requirements and/or employment in the chosen field.
- D) The individual must apply for all available educational benefits such as the Pell Grant ~~grant~~ and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) When the individual possesses an associate degree, license or certificate, the program selected must result in an increase in the level of the individual's earnings upon

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completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.

- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's employability plan upon completion.

- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

- J) Job skills training may be combined with other component activities if it is determined appropriate.

- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

## 3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.

- C) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

- D) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

- E) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw

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from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

- F) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.

## c) Job Readiness

- 1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

## 2) Assignment to Job Readiness

Job readiness activities may be combined with other component activities if it is determined appropriate.

## 3) Participation requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

- B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").

- C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

- D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

- E) The individual must maintain participation of at least 75% unless there is good cause for missing more.

## d) Job Search

## 1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills, training and information dissemination. Group job search may include training in a group session.

## 2) Assignment to Job Search

- A) Participation in the Job Search component can not be in excess of eight (8) weeks (or its equivalent) in any period of 12 consecutive months.

- B) Job ready individuals may be assigned to Job Search.

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Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.

- C) Job Search may be combined with other component activities if it is determined appropriate.

## 3) Participation Requirements

- A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

- B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;

- iii) the participant fails a civil service or other employment screening test;

- iv) the participant completes an application which is not accepted by the employer;

- v) the participant's job search performance indicates that he or she ~~he/she~~ should be in a different JOBS component activity; and

- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

- C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

- D) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified



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to be in good standing; or

- vi) registration with DES.
- E) The individual must maintain participation of at least 75% unless there is good cause for missing more.

- e) Community Work Experience  
Participants ~~Near-job-ready-participants~~ who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Community Work Experience component. Community Work Experience assignments are with private employers or not-for-profit or and public agencies statewide. Private employers and not-for-profit ~~Not-for-profit~~ and public agencies shall not use Community Work Experience participants to displace regular employees (see subsection (e)(4) of this Section below). ~~Work--experience--programs--shall--be limited--to--those--which--serve--a--public--purpose--in--fields--such--as health--social--service--environmental--protection--education--urban--and rural--development--and--redevelopment--welfare--recreation--public facilities--public--safety--and--child--care.~~ Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342) or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

# 1) Assignment to Community Work Experience

- A) The Community Work Experience component is for participants determined:

- i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or
- ii) to need experience to prevent deterioration of or to enhance existing skills (for example e-g, typing).

# B) Entry into Community Work Experience

Participants are determined to be eligible for the Community Work Experience component based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

# C) Community Work Experience Positions

- A participant shall be assigned to a Community Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.
- D) Community Work Experience activities may be combined with other component activities if it is determined appropriate.

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# 2) Participation Requirements

- A) Work assignment consists of no more than six months in a 12 consecutive calendar month period. The hours of the work assignment for a calendar month shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to 40 or 80 hours. The minimum number of hours that must be completed within a calendar month is 40 hours, and the maximum number of hours that must be completed is 80 hours.

- B) During work assignment, the participant shall be required to make up to ten employer contacts per month if participating in a 40 hour work assignment, or five employer contacts per month if participating in an 80 hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

- D) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.

# 3) Reassessment

At the end of the work assignment, the participant's employability will be evaluated using the procedures and criteria

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described in Section 112.74. If continuing the work assignment will benefit the participant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant shall be reassigned to the work assignment. Otherwise, the participant will be assessed for assignment to another JOBS component.

## 4) Length of Assignment

An individual cannot be assigned to Community Work Experience for more than a total of six months in any 12 consecutive calendar month period.

## 5) Displacement

- A) The Work Experience Sponsor shall not use participants to:
  - i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or
  - ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
  - iii) impair existing contracts for services or collective bargaining agreements; or
  - iv) infringe in any way upon promotional opportunities of any currently employed individual; or
  - v) fill any established unfilled position vacancy; or
  - vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.

- B) Participants Participant's, other employees at the work site or their representatives may file a grievance with the Department if they believe the participants' their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
  - i) the name and address of the participant or other employee at the work site (the the grievant);
  - ii) the participant's public aid case number;
  - iii) the grievant's participant's or other employee's (at the work-site) social security number;
  - iv) Work Experience (work site); and
  - v) a statement as to why the grievant participant or other employee at the work-site believes the participant he or she is causing displacement.

- C) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
  - i) the grievant participant or other employee at the work

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## site;

- ii) the grievant's participant's or other employee's (at the work-site) representative, if any;
- iii) the Work Experience Sponsor;
- iv) the Work Experience Sponsor's representative, if any; and
- v) the Department's representative.

- D) At the in-person conference, the Department shall solicit and receive from the grievant participant or other employee at the work-site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the grievant participant and/or the Department.

- E) Within 15 days after of the in-person conference, the Department shall advise the grievant participant or other employee at the work-site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A) of this Section above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of JOBS participants in addition to the participant involved in the grievance, then the Department shall terminate those JOBS participants' assignment to that work assignment Sponsor.

- G) A decision of the Department relating to a displacement grievance may be appealed by an a regular employee who is not a participant within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.

- H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

## f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

## 1) Assignment to OJT

- A) Job ready individuals may be assigned to OJT.

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- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
- C) Wages to participants in OJT shall not be less than the higher of the State or federal ~~Federal~~ minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.

## 2) Participation Requirements

- A) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.

## 3) Supportive Services

- Participants in OJT receive child care and Medicaid ~~medicaid~~ benefits through the AFDC program, not JOBS.

## g) Exchange Program (see Section 112.98)

## h) Post-Secondary Post-Secondary Education

Individuals may be referred to post-secondary ~~post-secondary~~ education programs. Post-secondary ~~Post--secondary~~ education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 (~~111-Rev-Stat-1991r-ch-111r-par-1701-i-et-seq-1~~) [225 ILCS 410], the Real Estate License Act of 1983 (~~111-Rev-Stat-1991r-ch-111r-par-5801-et-seq-1~~) [225 ILCS 455], the Public Community College Act (~~111-Rev-Stat-1991r-ch-122r-par-101-i-et-seq-1~~) [110 ILCS 805], the University of Illinois Act (~~111-Rev-Stat-1991r-ch-144r-par-21m-et-seq-1~~) [110 ILCS 305], the ~~Regency Universities Act~~ (~~111-Rev-Stat-1991r-ch-144r-par-301-et-seq-1~~) [110 ILCS 705] and the Southern Illinois University Name Change Act (~~111-Rev-Stat-1991r-ch-144r-par-599-et-seq-1~~) [110 ILCS 505].

- 1) Self-initiated activity qualifies as "self-initiated ~~self~~ initiated education or training" for this component if:

- A) The participant is attending at least half-time as defined by the institution;
- B) The participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and
- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) through ~~thru~~ (n).
- 2) Approval Criteria For Post-Secondary ~~Post-Secondary~~ Education
- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

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- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) The individual must apply for all available educational benefits such as the Pell Grant ~~grant~~ and scholarships ~~scholarship~~ from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's employability plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree. ~~Baccalaureate-Degree~~ consistent with the employability plan. The individual, unless enrolled in a full-time, short-term vocational training program of 12 months or less, must also be employed in unsubsidized work for at least eight hours each week or participating for at least eight hours per week in one or more of the following paid or unpaid work activities: ~~the--individual--must--be--underemployed--or-unemployed--and--in--need--of--additional--education--and--the-education-will-better-prepare-the-participant-to--enter--the-labor--force-~~
- L) The individual, unless enrolled in a full-time, short-term vocational training program of 12 months or less, must also be employed in unsubsidized work for at least eight hours each week or participating for at least eight hours per week in one or more of the following paid or unpaid work activities: ~~the--individual--must--be--underemployed--or-unemployed--and--in--need--of--additional--education--and--the-education-will-better-prepare-the-participant-to--enter--the-labor--force-~~
- i) work study;
- ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
- iii) apprenticeships; or
- iv) self-employment, if the earned income is reported monthly and the gross earned income is at least \$13.41 per week.



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- M)** Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, for 30 calendar days while they seek employment. If the individual has not reentered employment within 30 calendar days, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to Job Readiness or another appropriate component.

## 3) Participation Requirements

- A) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
- D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- E) Curriculum changes must be made with the approval of JOBS and will be approved when the change is consistent with the employability plan.
- i) Job Development and Placement (JDP)
- 1) JOBS staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
  - 2) Assignment to JDP
- Job ready individuals may be assigned to JDP.
- j) Job Retention
- The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.

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## k) Unemployed Parents Work Experience

- 1) Parents in the AFDC-U case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 11.71).
- 2) Unemployed Parents Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual work experience at private employers, not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Private employers, not-for-profit ~~Not-for-profit~~ organizations and governmental agencies shall not use Unemployed Parents Work Experience participants to displace regular employees (see subsection (k)(7) of this Section below).
- 3) The individual must participate in Unemployed Parents Work Experience for as long as he or she ~~he/she~~ remains eligible for financial assistance or until determined exempt from JOBS. Work assignments are for 20 hours each week or 40 hours each week for two weeks followed by two weeks off. Attendance in the work assignment is monitored monthly. A reassessment must be conducted with the participant at least every 12 consecutive months.
- 4) Assignment to Work Experience
  - A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:
    - i) age 25 and over may participate in educational activities below the post-secondary level in addition to his or her ~~his/her~~ Unemployed Parents Work Experience work assignment; or
    - ii) age 20 through 24 may choose to participate in educational activities below the post-secondary level in addition to or instead of the Unemployed Parents Work Experience work assignment. The individual must participate an average of 20 hours each week in the Education (below post-secondary ~~postsecondary~~) component if he or she ~~he/she~~ chooses this component instead of the Unemployed Parents Work Experience work assignment unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. If the individual fails to make satisfactory academic progress in the Education (below post-secondary ~~postsecondary~~) component, the individual will be assigned to an Unemployed Parents Work Experience work assignment; or
    - iii) under age 20 must participate an average of 20 hours

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each week in educational activities below the post-secondary level unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary ~~postsecondary~~) component (see Section 112.78(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.

- B) Entry into Unemployed Parents Work Experience  
Parents in the AFDC-U case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).
- C) Unemployed Parents Work Experience Positions  
A participant shall be assigned to an Unemployed Parents Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.
- D) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined appropriate.

## 5) Participation Requirements

- A) During the work assignment period, the client must make a good faith effort to complete five employer contacts in each 30 day period.
- B) Failure to make the required number of employer contacts each 30 day period without good cause may result in sanction. A client will not be sanctioned if he or she ~~he/she~~ makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78(d)(3)(B)).
- C) The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below post-secondary) and/or completion of employer contact activities.
- D) The client attending a work assignment must participate 20 hours each week or 40 hours each week for two weeks followed by two weeks off.

## 6) Reassessment

- A) Reassessment must be conducted with the participant at least once every 12 consecutive months.

## 7) Displacement

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- A) The Unemployed Parents Work Experience Sponsor shall not use participants to:
- displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; ~~or~~
  - displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; ~~or~~
  - impair existing contracts for services or collective bargaining agreements; ~~or~~
  - infringe in any way upon promotional opportunities of any currently employed individual; ~~or~~
  - fill any established unfilled position vacancy; or
  - displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe participants' ~~their~~ work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- the name and address of the participant or other employee at the work site (~~the~~ the grievant);
  - the participant's public aid case number;
  - the grievant's ~~participant's or other--employee's--(at the work-site)~~ social security number;
  - Work Experience (work site); and
  - a statement as to why the grievant ~~participant or other--employee--at--the--work--site~~ believes the participant ~~he or she~~ is causing displacement.
- C) Not more than ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- the grievant ~~participant or other--employee--at--the--work site~~;
  - the grievant's ~~participant's or other--employee's--(at the work-site)~~ representative, if any;
  - the Work Experience Sponsor;
  - the Work Experience Sponsor's representative, if any; and
  - the Department's representative.
- D) At the in-person conference, the Department shall solicit and receive from the ~~grievant participant or other--employee~~

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at-the-work-site and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the grievant participant and/or the Department.

E) Within 15 days after the in-person conference, the Department shall advise the grievant participant--or--other employee-at-the-work-site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) of this Section above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of JOBS participants in addition to the participant involved in the grievance, then the Department shall terminate those JOBS participants' assignment to that Work Experience Sponsor.

G) A decision of the Department relating to a displacement grievance may be appealed by an eligible employee who is not a participant within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.

H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

## 1) Self-Employment

Self-employment components will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.

## 1) Assignment to Self-Employment

Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.

## 2) Participation Requirements

Participants must attend at least 75% of classroom activities.

## 3) Self-Employment Asset and Income Exemptions

In order to qualify for a two year self-employment exemption of

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the business assets and income, the individuals must:

A) complete a self-employment program or demonstrate equivalent knowledge and experience; and

B) submit a business plan which includes the following items:

- i) verification that the business can be started for under \$5,000;
- ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;
- iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
- iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution, and the estimated operating expenses.

3538

(Source: Amended at 20 Ill. Reg. , effective

FEB 15 1996

## Section 112.79 JOBS Sanctions

a) Sanctions may be imposed against those nonexempt non-exempt participants who are mandated to participate in JOBS and fail to participate without good cause in JOBS if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) of this Section below). Exempt and nonexempt individuals who volunteer to participate in JOBS and attend the orientation meeting and become a program participant by completing the Initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements in subsection (b) of this Section without good cause. For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three payment months or until the individual cooperates, whichever is longer, is imposed for the second failure to participate if conciliation is unsuccessful; a sanction period of six payment months or until the individual cooperates, whichever is longer, is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three or six month sanction on any nonexempt non-exempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

## b) Sanctions

Sanctioning of a non-exempt participant or a penalty against exempt



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**participants** will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
  - 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
  - 3) discontinuing part-time employment (less than 30 hours per week) (see Section 112.64);
  - 4) reducing employment (that is ~~it is~~, hours of employment) (see Section 112.64(d)(1));
  - 5) failure to respond to a call-in notice notices-on-two-separate occasions for an Orientation appointment (see Section 112.76). This reason only applies to nonexempt clients who are mandated to participate in JOBS;
  - 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74). This reason only applies to nonexempt clients who are mandated to participate in JOBS;
  - 7) failure to participate in the JOBS component activity;
  - 8) failure to respond to a written notice for a meeting. For the purpose of determining attendance at JOBS meetings, if participant arrives anytime within 30 minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The JOBS worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;
  - 9) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every 30 days when employer contact activity is required in a component;
  - 10) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in JOBS activities;
  - 11) failure to maintain satisfactory participation of at least 75% in any program component;
  - 12) failure to provide verification of education/training activities, employability status, etc.
- c) No JOBS sanction will be imposed until JOBS staff has sent the **non-exempt** participant a written notice scheduling a good cause determination/conciliation meeting to determine whether ~~or not~~ the **non-exempt** participant had good cause for ~~his or her~~ her failure to comply with JOBS requirements and the **non-exempt** participant has either failed to attend the meeting or failed to show good cause. If the **non-exempt** participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to JOBS participation. The written notice shall

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explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the **non-exempt** participant to appear for the scheduled meeting is not considered an instance of noncooperation.

- d) A JOBS sanction against **non-exempt** participants ~~or--penalty--against exempt--participants~~ may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).
- e) When an AFPC-U case is sanctioned for non-compliance with JOBS, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.
- f) The notice of change form issued for a JOBS sanction shall include the following:
  - 1) a description of the acts of noncooperation with JOBS, including dates where applicable;
  - 2) a statement that the participant's **non-exempt-participants** acts were without good cause (see Section 112.80 for good cause criteria); and
  - 3) the following language will be required for **non-exempt** participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance. 7
  - 4) ~~in-addition, exempt-participants-will-receive-a-notice-of--change describing--the-acts--of--noncooperation--including--dates-when applicable--a-statement-that-the-acts-were--without--good--cause--and--notification--that--a-penalty-may-result-in-loss-of-priority status-should-the-individual-choose-to-participate-in-JOBS--at--a later-time-and-discontinuance-of-supportive-services.~~
- g) At least 14 days prior to the end of the sanction period, a notice will be sent to sanctioned **non-exempt** individuals whose failure to cooperate has continued for three months explaining the individual's option to end the sanction.
- h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a JOBS sanction.
- i) During the sanction period, the **non-exempt** individual who fails to cooperate with JOBS is ineligible for financial assistance. If the **non-exempt** individual sanctioned is the unemployed parent in the case and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the JOBS Program.
- j) ~~Exempt-volunteers-in-JOBS-who-fail-to-cooperate--with-JOBS-will-not have--their--assistance--grants--cancelled--or--reduced, provided-they exemption-status-has-not-changed-to-non-exempt---Exempt-volunteers-may~~

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~~be penalized by loss of their priority status and supportive services if applicable, if they fail to cooperate. Exempt volunteers have the right to participate in good cause determination meetings, consultation and request an appeal hearing through the Department's fair hearing process (see 89 Ill. Adm. Code 1947).~~

(Source: Amended at 20 Ill. Reg. 3538, effective

FEB 15, 1995)

## DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: College Immunization Code
- 2) Code Citation: 77 Ill. Adm. Code 694
- 3) Section Numbers: Adopted Action:  
694.20 Amendment
- 4) Statutory Authority: Implementing and authorized by the College Student Immunization Act [10 ILCS 20].
- 5) Effective Date of Amendments: February 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 10, 1996
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 1219 - February 10, 1995
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: Various editorial and technical changes recommended by the Joint Committee on Administrative Rules have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? All changes requested by the Joint Committee on Administrative Rules have been made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will implement Public Act 88-651 by excluding from the definition of a "post-secondary educational institution" in Section 694.20 those public colleges and universities that do not provide on-campus housing for its students in dormitories or equivalent facilities that are owned, operated, and maintained by the public college or university. The above-mentioned definition specifies which post-secondary educational institutions are required to comply with the college immunization requirements.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

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Gail M. Devito  
Division of Governmental Affairs  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, IL 62761  
(217) 782-6187

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 694  
COLLEGE IMMUNIZATION CODE

## SUBPART A: GENERAL PROVISIONS

Section  
694.10 Purpose  
694.20 Definitions

## SUBPART B: IMMUNIZATION REQUIREMENTS

Section  
694.100 Proof of Immunity  
694.110 Record Keeping  
694.120 Completion and Submission of the Summary Report

## SUBPART C: EXEMPTIONS

Section  
694.200 Medical Exemption  
694.210 Religious Exemption  
694.220 Classification Exemption

## APPENDIX A Certificate of Immunity Form (Repealed)

APPENDIX B Summary Report of the Immunization Status of College/University Students (Repealed)

## APPENDIX C Required Elements of Health Record

AUTHORITY: Implementing and authorized by the College Student Immunization Act [110 ILCS 20].

SOURCE: Adopted at 14 Ill. Reg. 1609, effective January 19, 1990; emergency amendment at 14 Ill. Reg. 5882, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14551, effective August 27, 1990; amended at 16 Ill. Reg. 5916, effective March 31, 1992; amended at ~~3584~~ **3584**, effective February 11, 1993; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

~~FEB 1 1996~~

## Section 694.20 Definitions

"Act" means the College Student Immunization Act ~~(110 ILCS 20)~~ ~~(1991r-chi-144-part-2600-et-seq)~~ [110 ILCS 20].

"Certificate of immunity" means a form acceptable to a post-secondary



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educational institution signed by a health care provider who has administered an immunizing agent to a student (or has reviewed health records evidencing such administration), specifying the vaccine administered and the date of administration.

"Department" means the *Illinois Department of Public Health*. (Section 1(a) of the Act)

"Designated record keeping office" means the office designated by a post-secondary educational institution as responsible for maintaining student immunization records. In institutions with health services, that office shall be the designated office of record.

"Enroll" means the student is a bona fide member of the post-secondary educational institution's student body receiving academic credit for on-campus instruction.

"Health care provider" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.), local health authority, registered nurse employed by a school, college or university or a Department recognized vaccine provider.

"Physician" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.).

"Post-secondary educational institution" means a public or private college or university offering degrees and instruction above the high school level, and shall include, but not be limited to,

Any and all private colleges and universities; the University of Illinois; Southern Illinois University; the several universities and colleges under the governance of the Board of Governors of State Colleges and Universities; the several regency universities and colleges under the governance of the Board of Regents; and any other public university now or hereafter established or authorized by the General Assembly; except that a post-secondary educational institution does not mean or include any public college or university that does not provide on-campus housing for its students in dormitories or equivalent facilities that are owned, operated, and maintained by the public college or university (Section 1(b) of the Act (see Public Act 88-651)).

The term shall not include any public or private junior or community college (i.e., any public or private degree-granting institution at which the highest degree offered is an associate degree or an undergraduate certificate of two years or less), or any post-secondary educational institution at which the highest award offered is a diploma or certificate of two years or less,

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or any institution offering degrees and instruction which utilizes correspondence as its primary mode of student instruction. (Section 1(b) of the Act)

"Proof of immunity" means evidence of appropriate immunization, physician diagnosed disease, or laboratory evidence of immunization documented in writing by a health care provider in accordance with the requirements of this Part. The content of the immunization record form utilized by an institution shall include, as a minimum, the basic elements listed in Appendix C, in an outline form similar to that prescribed on the Certificate of Immunity Form provided by the Department.

"Student health record" means a record containing the immunization status of a student relating to the vaccine-preventable diseases covered by this Part. The content of the immunization record form utilized by an institution shall include, as a minimum, the basic elements listed in Appendix C, in an outline form similar to that as prescribed on the Certificate of Immunity Form provided by the Department.

"Summary report" means a form developed by the Department for gathering statistical information on the number of students enrolled at a post-secondary educational institution, the number with proof of immunity, the number with medical or religious exemptions, and the number without proof of immunity or such exemptions.

"Term" means any period of on-campus instruction offered by a post-secondary educational institution. Students enrolling for the first time during a special term of less than the traditional duration (Summer Session, Interim, Intersession, etc.) may be permitted to enroll in an immediate following term of traditional length before providing proof of immunity in accordance with this Part.

(Source: Amended at 20 Ill. Reg. **3584**, effective  
FEB 1, 1996)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.71 Amendment

4) Date Notice of Proposed Amendments Published in the Illinois Register: January 26, 1996 (20 Ill. Reg. 1454)

5) Reason for the Withdrawal: The Department proposed these amendments regarding a change in exemption status for the AFDC JOBS program. Due to a change in State law and receipt of a federal waiver, parents under 18 can no longer be exempt from AFDC JOBS participation due to full-time school attendance if they have not completed high school or obtained a GED. The amendments as proposed incorrectly indicated that the exemption applies specifically to individuals age 16 and 17 rather than to parents under age 18. For this reason, the amendments proposed at 20 Ill. Reg. 1454 are being withdrawn. The Department has proposed amendments to replace this rulemaking.

## PUBLIC HEALTH

## NOTICE OF EXPEDITED CORRECTION

1) Heading of the Part: Newborn Metabolic Screening and Treatment Code

2) Code Citation: 77 Ill. Adm. Code 661

3) Section Numbers:

661.70

4) Date Proposal published in Illinois Register: June 30, 1995; 19 Ill. Reg. 8526

5) Date Adoption published in Illinois Register: November 17, 1995; 19 Ill. Reg. 15720

6) Date Request for Expedited Correction published in Illinois Register: January 19, 1996

7) Adoption Effective Date: November 1, 1995

8) Correction Effective Date: November 1, 1995

9) Reason for Approval of Expedited Correction: When amendments to the Newborn Metabolic Screening Code were filed with the Secretary of State's Office for proposal, a sentence that had been repealed previously from Part 661 was inadvertently included. The previously repealed sentence was included in the adopted amendments, which became effective November 1, 1995. The expedited correction removes the inadvertent inclusion of previously repealed text.

The full text of the Corrected Rule begins on the following page:

## PUBLIC HEALTH

## NOTICE OF EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

## PART 661

## NEWBORN METABOLIC SCREENING AND TREATMENT CODE

## Section

|        |   |
|--------|---|
| 661.10 | Responsibility                                  |
| 661.15 | Definitions                                     |
| 661.20 | Collection of Blood and Submission of Specimens |
| 661.30 | Interpretation of Results                       |
| 661.35 | Designation of Consultants                      |
| 661.40 | Reports   |
| 661.50 | Diagnosis and Treatment                         |
| 661.60 | Exemption                                       |
| 661.70 | Fee Assessment and Payment                      |

AUTHORITY: Implementing and authorized by the Phenylketonuria Testing Act [410 ILCS 240].

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 13720, effective November 1, 1995; expedited correction at 20 Ill. Reg. \_\_\_\_\_, effective November 1, 1995.

## Section 661.70 Fee Assessment and Payment

- Each person who submits to the Department any sample for newborn screening shall be assessed a fee of \$25.00 for such analysis unless specimens are requested by the Department for follow-up purposes. ~~Samples--for--applicants--and--recipients--of--public--assistance--under--the Public-Aid-Code--(305-5)-shall--not--be--assessed--a--fee--~~
- Statements of fee assessment shall be mailed to persons submitting specimens for analysis on a monthly basis.
- Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Expedited Correction at 20 Ill. Reg. \_\_\_\_\_, effective November 1, 1995)

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 1995. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

| Agents                              | Manufacturing Machinery & Equipment |
|-------------------------------------|-------------------------------------|
| Agricultural Producers and Products | Medical Appliances                  |
| Assessments                         | Miscellaneous                       |
| Automobile Renting Tax              | Motor Fuel Tax                      |
| Bingo                               | Motor Vehicles                      |
| Books and Records                   | Newsprint & Ink                     |
| Bulk Sales                          | Nexus                               |
| C.O.A.D.                            | Nonprofit Institutions              |
| Certificate of Registration         | Occasional Sale                     |
| Charitable Games                    | Oil Field Equipment                 |
| Cigarette Tax                       | Penalties                           |
| Claims for Credit                   | Pollution Control Facilities        |
| Coal Fueled Devices                 |                                     |
| Prepaid Sales Tax                   |                                     |
| Coal Mining Equipment               | Products of Photoprocessing         |
| Coins & Precious Metals             | Property Tax                        |



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## NOTICE OF PUBLIC INFORMATION

Computer Software  
 Construction Contractors  
 Cooperative Associations  
 Delivery Charges  
 Distillation Machinery  
 Drug Tax Stamps  
 Drugs  
 Enterprise Zones  
 Exempt Organizations  
 Farm Machinery & Equipment  
 Federal Excise Tax  
 Financial Institutions  
 Food  
 Food, Drugs & Medical Appliances  
 Governmental Bodies  
 Graphic Arts  
 Gross Receipts  
 Hotel Operators' Tax  
 Interest  
 Interstate Commerce  
 Itinerant Vendors  
 Invested Capital Tax  
 Leasing  
 Liquor Tax  
 Local Taxes  
 Mandatory Service Charges  
 Manufacturer's Purchase Credit  
 Manufacturers

Public Utility Taxes  
 Real Estate Transfer Tax  
 Repairs  
 Replacement Vehicle Tax  
 Request for Information  
 Returns  
 Rolling Stock Exemption  
 Sale at Retail  
 Sale for Resale  
 Sale of Service  
 Service Occupation Tax  
 Signature  
 Special Order  
 Statute of Limitations  
 Tax Collection  
 Tax Increment Financing  
 Tax Rate  
 Telecommunications Excise Tax  
 Temporary Storage  
 Tire User Fee  
 Trade-Ins  
 Use Tax  
 Vehicle Use Tax  
 Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth  
 Legal Services Office  
 101 West Jefferson Street  
 Springfield, Illinois 62794  
 Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

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## AGENTS

95-0413 10/11/1995 This letter describes the application of the Retailers' Occupation Tax to consignment sales of art objects by a gallery. See, 86 Ill. Adm. Code 130.1915. (This is a GIL.)

## CERTIFICATE OF REGISTRATION

95-0415 10/11/1995 The Department may deny a certificate of registration to any applicant if the owner, or any partner or corporate officer of the applicant, is or has been the owner, or a partner or corporate officer, of another retailer that is in default for moneys due under the Retailers' Occupation Tax Act. See, 86 Ill. Adm. Code 130.701(i). (This is a GIL.)

95-0426 10/25/1995 Section 2a of the Retailers' Occupation Tax Act provides that the Department may deny a certificate of registration to any applicant if the owner, any partner, any manager or member of a limited liability company, or a corporate officer of the applicant, is or has been the owner, a partner, a manager or member of a limited liability company, or a corporate officer, of another retailer that is in default of moneys due under this Act. This provision does not prohibit such a person from remaining an employee of the applicant. Such person just cannot hold one of the above positions. (This is a GIL.)

95-0495 12/13/1995 The requirement that Form NUC-1, Illinois Business Registration, be signed by an individual who will be responsible for filing returns and payment of taxes due (Question 14) stems from Section 2a of the Retailers' Occupation Tax Act. The provision ensures that the Department be able to identify those persons who are responsible for filing returns and paying taxes. By signing Form NUC-1, these persons do not become personal guarantors of a corporation's tax liability under all circumstances. It is only if those persons are found to have wilfully failed to file returns or pay taxes that they can be held personally liable for amounts equal to the tax plus penalties and interest. (This is a GIL.)

## COMPUTER SOFTWARE

## DEPARTMENT OF REVENUE

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95-0410 10/11/1995 The sale of "canned" computer software is generally a taxable retail sale. If the computer software consists of custom computer programs, then the sale of such software is not a taxable retail sale. Custom computer programs or software are computer programs that are prepared to the special order of the customer. See, 86 Ill. Adm. Code 130.1935. (This is a GIL.)

95-0462 11/15/1995 If a transaction for the licensing of computer software meets all of the criteria provided in part (a)(1) of Section 130.1935, neither the transfer of the software or the subsequent software updates will be subject to Retailers' Occupation Tax. See, 86 Ill. Adm. Code 130.1935. (This is a GIL.)

95-0466 11/16/1995 In order for a license of software to be nontaxable, the license must meet the requirements set forth under the Department's "Computer Software" regulation. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

95-0480 11/28/1995 In order for sales of software licenses to be non-taxable, the license must include the following provisions: 1. a written agreement signed by both licensor and customer; 2. a restriction that limits the customer's duplication and use of the software; 3. a restriction that prohibits the customer from licensing, sublicensing or transferring the software to an unrelated third party; 4. a policy or provision that the vendor will provide another copy at minimal or no charge if the customer loses or damages the software; 5. a requirement that the customer destroy or return all copies of the software to the vendor at the end of the license period. See, 86 Ill. Adm. Code 130.1935. (This is a GIL.)

95-0504 12/22/1995 A maintenance agreement or extended warranty that is sold as a separate agreement for a predetermined fee is not taxed at the time of the sale of the agreement. However, the seller that provides service under this agreement is required to pay Use Tax to his supplier on the cost price of the tangible personal property that is transferred incident to the completion of the maintenance agreement. See, 86 Ill. Adm. Code 130.1935. (This is a GIL.)

## CONSTRUCTION CONTRACTORS

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

95-0437 11/01/1995 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate do not incur Retailers' Occupation Tax liability, but owe Use Tax on the cost price of those materials. See, 86 Ill. Adm. Code 130.415, 130.1940, and 130.2075. (This is a GIL.)

95-0440 11/02/1995 The determination of whether signs or poles are intended by the parties to be permanently attached to real estate depends on the circumstances of each installation. (This is a GIL.)

95-0443 11/06/1995 For purposes of the Illinois sales tax laws, construction contractors are deemed to be the end users of the building materials which they permanently affix to realty. See, 86 Ill. Adm. Code 130.1940. (This is a GIL.)

95-0444 11/06/1995 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

95-0447 11/07/1995 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. See, 86 Ill. Adm. Code 130.1940. (This is a GIL.)

95-0471 11/20/1995 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate incurs Use Tax on the cost price of those materials. See, 86 Ill. Adm. Code 130.2075. (This is a GIL.)

95-0506 12/26/1995 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. See, 86 Ill. Adm. Code 130.2075. (This is a GIL.)

95-0511 12/28/1995 Construction contractors are deemed to be the users of the building materials that they take off the market as tangible personal property by converting them into real estate. Thus, sales of building

## DEPARTMENT OF REVENUE

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materials to construction contractors are taxable sales to users and the retailer incurs tax on the gross receipts from the sale of the building materials to the construction contractors who will permanently affix these materials to real estate. See, 86 Ill. Adm. Code 130.2075. (This is a GIL.)

95-0514  
\$1.25

12/28/1995 There is an exemption from sales tax when building materials are sold to construction contractors for incorporation into public improvements. However, for this exemption to be available, a pre-development transfer requirement must exist that requires the improvements to be turned over to the local government upon completion. See 86 Ill. Adm. Code 130.2075(d) and (e). (This is a GIL.)

## ENTERPRISE ZONES

95-0401  
\$1.25

10/02/1995 Tangible personal property purchased for use or consumption within an Enterprise Zone in the process of manufacturing or assembling tangible personal property is exempt from Retailers' Occupation Tax. Subpart (b)(7)(F) of 86 Ill. Adm. Code 130.1951 provides that the exemption does not extend to "tangible personal property used or consumed in ... general communications, plant security." Two-way radio equipment used for communications on the manufacturing floor during the manufacturing process does not qualify for the exemption. See, 86 Ill. Adm. Code 130.1951(b)(7)(f). (This is a GIL.)

95-0406  
\$1.25

10/10/1995 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See, 86 Ill. Adm. Code 130.1951(a). (This is a GIL.)

95-0433  
\$1.50

10/30/1995 In order for the enterprise zone building materials exemption to be properly claimed, the retailer of qualifying building materials must be located in the jurisdiction that created the enterprise zone into which the building materials will be incorporated. See, 86 Ill. Adm. Code 130.1951. (This is a GIL.)

## DEPARTMENT OF REVENUE

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## EXEMPT ORGANIZATIONS

95-0483  
\$1.00

11/30/1995 Organizations that make application to the Department and are determined to be exclusively charitable, religious, or educational receive a tax exemption identification number. See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

## FARM MACHINERY &amp; EQUIPMENT

95-0409  
\$1.00

10/11/1995 ATVs do not qualify for the exemption afforded farm machinery and equipment. See, 86 Ill. Adm. Code 130.305. (This is a GIL.)

95-0430  
\$1.25

10/30/1995 Warning lights which are installed on farm tractors or on other machinery used primarily for production agriculture qualify for the Farm Machinery & Equipment exemption from Retailers' Occupation Tax. A seller must be sure to document the exemption by obtaining exemption certifications from a purchaser. See, 86 Ill. Adm. Code 130.305. (This is a PLR.)

95-0438  
\$1.00

11/02/1995 Generally, the Department's experience has been that if equipment is used on roads, then the equipment must be titled. In such a case, tax must be paid on the purchase of the equipment. However, in the rare case that the equipment is not used on roads at all and is completely used on the farm for production agriculture, then the equipment can qualify for the exemption. See, 86 Ill. Adm. Code 130.305. (This is a GIL.)

## FOOD

95-0416  
\$1.75

10/11/1995 In most cases, when a day care facility purchases food from suppliers, does not separately state the food on the day care bill, and is under the 35% threshold, the low rate of tax applies to the purchases of food. However, if the day care facility is also registered as a retailer, it must pay tax as a registered de minimus serviceman, which means 6.25% plus local taxes.

95-0445  
\$2.25

11/06/1995 Application of high rate/low rate determination to convenience store without facilities for on-premises consumption of food. See, 86 Ill. Adm. Code Section 130.310. (This is a GIL.)



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- 95-0515 12/29/1995 In order for a fruit drink to qualify for the reduced rate of tax, it must contain 50% or more natural fruit juice. (This is a GIL.)
- 95-0521 12/29/1995 Caterers are vendors of tangible personal property and when caterers sell food or beverages to consumers, they incur a Retailers' Occupation Tax liability on their gross receipts from such transactions. In computing Retailers' Occupation Tax liability, the Department's regulations provide that no deductions shall be made by a taxpayer from gross receipts on account of labor or service costs. See 86 Ill. Adm. Code 130.2145 and 130.410. (This is a GIL.)

## FOOD, DRUGS &amp; MEDICAL APPLIANCES

- 95-0408 10/11/1995 The descriptions of items which qualify as medicines and medical appliances are found at 86 Ill. Adm. Code 130.310. (This is a GIL.)
- 95-0472 11/20/1995 The 1% State rate is applicable to food for human consumption (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) which is to be consumed off the premises where it is sold. See, 86 Ill. Adm. Code 130.310. (This is a GIL.)

- 95-0474 11/20/1995 A medicine or drug subject to the reduced rate of tax is defined as any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and that purports on the label to have medicinal qualities. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

- 95-0479 11/28/1995 This letter discusses taxation of sales of food and soft drinks from vending machines that are located in an exempt hospital cafeteria which is not open to the public as well as sales of food and soft drinks from vending machines that are not part of the hospital cafeteria, but are just located around the hospital in the halls, etc.. See, 86 Ill. Adm. Code 130.310, 2005 and 2135. (This is a GIL.)

- 95-0481 11/28/1995 Items that provide support only, such as Ace bandages and athletic-type braces, are used for treatment purposes and do not qualify for the low rate of tax applicable to medical appliances. See, 86 Ill. Adm. Code 130.310. (This is a GIL.)

## DEPARTMENT OF REVENUE

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- 95-0491 12/07/1995 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See, 86 Ill. Adm. Code 130.310. (This is a GIL.)
- 95-0505 12/22/1995 Sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption), and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing utensils, syringes, and needles used by diabetics, are subject to the tax rate of 1%. See, 86 Ill. Adm. Code 130.310. (This is a GIL.)

## GOVERNMENTAL BODIES

- 95-0488 12/05/1995 Equipment and materials purchased by a contractor in order to fulfill its contract with a unit of government are subject to the Illinois Use Tax, even if ownership of the equipment and materials is ultimately turned over to the governmental unit. See, 86 Ill. Adm. Code 130.2080. (This is a GIL.)

## GRAPHIC ARTS

- 95-0463 11/15/1995 A Graphic Zoomer Q 205, which operates similar to a copy machine, that produces banners and large signs does not qualify for the graphic arts machinery and equipment exemption. See 86 Ill. Adm. Code 130.325. (This is a GIL.)

## GROSS RECEIPTS

- 95-0403 10/10/1995 If a retailer sells cellular phones to its customers, then it incurs Retailers' Occupation Tax measured by its gross receipts from the sales. At the time the retailer purchases cellular phones from a vendor, it should supply a Certificate of Resale to the vendor. Then, when the retailer sells the cellular phone, it will pay Retailers' Occupation Tax based on the amount it receives from its customer. See, 86 Ill. Adm. Code 130.101 and 130.401. (This is a GIL.)
- 95-0423 10/20/1995 If a retailer offers a purchaser a discount based upon prompt payment, and the purchaser pays within the required time period and thus avails himself

## DEPARTMENT OF REVENUE

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of the discount, the discounted amount is not includable in the gross receipts subject to Retailers' Occupation Tax. See, 86 Ill. Adm. Code 130.420) (This is a GIL.)

95-0468 11/17/1995 A manufacturer's rebate that is applied to the purchase price of an automobile is subject to Retailers' Occupation Tax. (This is a GIL.)  
\$1.50

95-0482 11/28/1995 The legal incidence of the Federal Excise Tax (FET) on fuel falls upon the importer/producer. These costs are considered to be part of the retailer's cost of doing business, and hence are part of the selling price of the tangible personal property being sold. Therefore, the cost of the FET is includable in the retailer's gross receipts subject to tax. See, 86 Ill. Adm. Code 130.445. (This is a GIL.)  
\$1.25

95-0510 12/28/1995 Retailers' Occupation Tax liability is due on gross receipts as they are received. (This is a GIL.)  
\$1.00

95-0513 12/28/1995 Retailers' Occupation Tax is imposed upon persons engaged in the business of selling tangible personal property to purchasers for use or consumption. The tax is measured by the seller's gross receipts from sales of machinery. Sales of used parts will be subject to sales tax as long as the seller of the used parts is engaged in the business of selling that type of property at retail. See, 130.101 and 110. (This is a GIL.)  
\$1.00

## INTERSTATE COMMERCE

95-0436 10/30/1995 When tangible personal property is located in this State at the time of its sale and then is physically delivered in Illinois to the purchaser or the purchaser's representative, the gross receipts received by the seller are subject to Retailers' Occupation Tax if the sale is at retail. However, if a seller is obligated, under the terms of the seller's agreement with the purchaser, to make physical delivery of the merchandise from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, the sale will not be subject to Illinois sales tax if such delivery is actually made. See, 86 Ill. Adm. Code 130.605. (This is a GIL.)  
\$1.25

## DEPARTMENT OF REVENUE

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95-0465 11/16/1995 The interstate commerce exemption states that Retailers' Occupation Tax does not apply where the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, provided that such delivery is actually made. See 86 Ill. Adm. Code 130.605. (This is a GIL.)  
\$1.25

## LEASING

95-0428 10/30/1995 In Illinois, lessors of tangible personal property under true leases, with the exception of automobiles leased for periods of one year or less, are considered the "end users" of the tangible personal property purchased for leasing purposes, and incur a Use Tax liability upon its purchase. See, 86 Ill. Adm. Code 130.2010. (This is a GIL.)  
\$1.25

95-0508 12/28/1995 This letter describes the taxation of conditional sales, true leases, capital leases, and operating leases. See, 86 Ill. Adm. Code 130.2010. (This is a GIL.)  
\$1.50

95-0517 12/29/1995 In Illinois, a conditional sale is usually characterized by a nominal purchase option at the end of the lease term. This type of transaction is considered a conditional sale from the outset, and the lessor incurs Retailers' Occupation Tax on the gross receipts from the sale. However, finance or interest charges are not considered part of the gross receipts from sale. See 86 Ill. Adm. Code 130.2010 and 130.420. (This is a GIL.)  
\$1.25

## LOCAL TAXES

95-0411 10/11/1995 Local taxes are incurred when sales occur within a jurisdiction imposing a local tax. The Department has determined that the single most important factor in the occupation of selling is the seller's acceptance of the purchase order. See, 86 Ill. Adm. Code 270.115. (This is a GIL.)  
\$1.25

95-0441 11/02/1995 The Department will not approve an ordinance or resolution that creates a tax with a  
\$1.00

## DEPARTMENT OF REVENUE

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different tax base than the tax base for the Retailers' Occupation Tax. (This is a GIL.)

95-0459 11/14/1995 In determining the applicability of a local tax, the location at which the purchase order is accepted determines the proper tax rate. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

## MANUFACTURING MACHINERY &amp; EQUIPMENT

95-0422 0/19/1995 The Manufacturing Machinery and Equipment Exemption provides that computer equipment can qualify for the manufacturing machinery and equipment exemption if the computer equipment is used primarily in the development of canned software, via the process of accessing, combining and extracting modules constituting a software program. See, 86 Ill. Adm. Code 130.330 (This is a GIL.)

95-0448 11/07/1995 Hand tools do not qualify for the exemption afforded manufacturing machinery and equipment. However, pneumatic hand tools or electric powered hand tools used primarily in manufacturing or assembling qualify for the exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

95-0478 11/27/1995 The manufacturing machinery & equipment exemption applies to computers used primarily in operating exempt machinery and equipment in a computer-assisted design, computer-assisted manufacturing (CAD/CAM) system. See, 86 Ill. Adm. Code 130.330. (This is a GIL.)

95-0489 12/05/1995 The fact that an item is not a stock item and is only produced after an order is received is not sufficient to exempt it from Retailers' Occupation Tax. See, 86 Ill. Adm. Code 130.2115. (This is a GIL.)

95-0512 12/28/1995 Grinding wheels, which require periodic replacement in the course of normal operation, can qualify for the manufacturing machinery & equipment exemption as long as they are part of a machine that effects a direct and immediate physical change on the materials to be sold and the machine is used primarily in manufacturing or assembling. See, 86 Ill. Adm. Code 130.330. (This is a GIL.)

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95-0516 12/29/1995 The manufacturing machinery and equipment exemption exempts machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

## MEDICAL APPLIANCES

95-0518 12/29/1995 Sterile dressings, bandages and gauze do qualify for the reduced rate of tax. In addition, insulin, urine testing materials, syringes, and needles used in treating diabetes in human beings qualify for the reduced rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

## MISCELLANEOUS

95-0402 10/10/1995 Sales of tobacco products from a licensed distributor to another licensed distributor are exempt from the Tobacco Products Tax. However, if the purchasing distributor is also a retailer and will sell a portion of the tobacco products at retail, that portion of the transaction is subject to the tax.

95-0419 10/11/1995 Request for information.

\$1.00

95-0420 10/18/1995 No refunds are available for monies paid to the Department prior to 1/12/95 in satisfaction of Other Tobacco Products Tax liability even though the Illinois Tobacco Products Tax Act was held unconstitutional. See, People ex rel. City of Highland Park v. McKibbin, 380 Ill. 442 (1942). (This is a GIL.)

95-0424 10/23/1995 A Chapter 7 individual bankruptcy does not cover corporate liabilities. (This is a GIL.)

\$1.00

95-0432 10/30/1995 A bed and breakfast operation need not register under the Retailers' Occupation Tax Act as long as the operation does not run a restaurant open to the public in conjunction with the bed and breakfast operation. If the bed and breakfast only provides meals to its guests as part of the bed and breakfast package, it will incur a Use Tax liability on the food which it uses in providing such meals. (This is a GIL.)



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## 1995 FOURTH QUARTER SUNSHINE INDEX

95-0499 12/19/1995 Taxpayers should keep copies of sales tax returns and supporting documentation for at least a period equal to the time period that the Department may issue a Notice of Tax Liability to that taxpayer. See, 86 Ill. Adm. Code 130.815. (This is a GIL.) \$1.25

95-0502 12/21/1995 An individual who is in the business of selling recycled cartridges at retail incurs Retailers' Occupation Tax liability on the gross receipts from such sales. (This is a GIL.) \$1.25

95-0520 12/29/1995 The exemption under the Retailers' Occupation Tax from gross receipts from proceeds of petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser was enacted in response to federal legislation that exempts Conrail and Amtrak from Use Tax. 35 ILCS 120/2-5(16) (1994 State Bar Edition). (This is a GIL.) \$1.75

## NEXUS

95-0470 11/20/1995 The Supreme Court in Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992), set forth the current guidelines for determining what nexus requirements must be met before a person is properly subject to a state's tax laws. (This is a GIL.) \$1.50

95-0473 11/20/1995 This letter sets out the guidelines to determine whether an out-of-State seller is required to collect Illinois Use Tax. See, 86 Ill. Adm. Code 150.201 and 150.801. (This is a GIL.) \$1.25

95-0485 11/01/1995 An out-of-State retailer must determine his or her tax liability, if any, based upon his or her contacts with Illinois. (This is a GIL.) \$1.00

95-0487 12/04/1995 An out-of-State "retailer maintaining a place of business in this State" is required to register with the State as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.201. (This is a GIL.) \$1.00

95-0519 12/29/1995 This letter sets out the guidelines concerning different types of retailers in order to determine whether the retailer should collect Illinois Use Tax. See, 86 Ill. Adm. Code 150.201 and 150.801. (This is a GIL.) \$1.50

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95-0451 11/08/1995 This letter answers a variety of questions related to the Telecommunications Excise Tax and the Retailers' Occupation Tax. (This is a GIL.) \$2.00

95-0461 11/14/1995 An annual membership charge is not generally subject to Retailers' Occupation Tax liability. See, 86 Ill. Adm. Code 130.101 and 140.101. (This is a GIL.) \$1.25

95-0475 11/20/1995 Upon acceptance by the Department, a manufacturer, importer, or wholesaler whose products are sold at retail in Illinois by numerous retailers, and who specifically request to do so, may assume the responsibility for accounting and paying to the Department all sales tax resulting from such sales. See, 86 Ill. Adm. Code 130.550, 130.2045. (This is a GIL.) \$1.25

95-0477 11/21/1995 A large wholesaler can enter into an "agency agreement" with the Department, whereby it registers, files returns and remits Retailers' Occupation Tax on behalf of its local distributors. Under this type of agreement, the wholesaler sells products to local distributors and collects tax from the distributor based upon the selling price to the ultimate consumer. See, 86 Ill. Adm. Code 130.550 (This is a GIL.) \$1.25

95-0484 07/07/1995 This letter is issued as a follow-up to General Information Letter 95-0010 based on information which has been obtained after the issuance of this letter on January 13, 1995. (This is a GIL.) \$1.00

95-0493 12/11/1995 Caustic acids purchased for use in the manufacturing process may qualify as purchases for resale to the extent that they become physically incorporated into the product manufactured and sold at retail. Caustic acids purchased for use in the manufacturing process do not qualify as manufacturing machinery and equipment. (This is a GIL.) \$1.50

95-0494 12/12/1995 This letter explains that the tax charged a taxpayer was Sales tax, not Cigarette Tax. (This is a GIL.) \$1.00

95-0498 12/19/1995 This letter responds to a taxpayer's inquiry concerning an apparent overcollection of sales tax. (This is a GIL.) \$1.00

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## OIL FIELD EQUIPMENT

95-0404 10/10/1995 Equipment, which costs \$250.00 or more, must be used "primarily" in oil field (or natural gas) exploration, drilling and production in order to qualify for sales tax exemption. The Home Rule Municipal Retailers' Occupation Tax incorporates the provision in the Retailers' Occupation Tax Act which provides the sales tax exemption for oil field exploration, drilling and production equipment. Consequently, the exemption is available for purposes of the Home Rule Municipal Retailers' Occupation Tax. See, 86 Ill. Adm. Code 270.120. (This is a GIL.)

## POLLUTION CONTROL FACILITIES

95-0405 10/10/1995 Tools which are used to build a containment area do not qualify for the exemption applicable to pollution control facilities while tools which remove asbestos, such as scrapers and brushes, can qualify for the exemption. Air sampling equipment that actually activates a system that reduces pollution in the containment area qualifies for the pollution control facilities exemption. See, 86 Ill. Adm. Code 130.335. (Section 130.335 concerning Pollution Control Facilities) (This is a GIL.)

95-0458 11/14/1995 H-Bearing pile does not qualify under the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

95-0460 11/14/1995 The pollution control facilities exemption extends to "any system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution...or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property." See 86 Ill. Adm. Code 130.335. (This is a GIL.)

95-0492 12/07/1995 Vacuum and pump trucks used to recover

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\$1.25 releases of alcohol and acid spills and other releases into water or atmosphere can qualify for the pollution control facilities exemption so long as the vacuum and pump trucks are used primarily for an exempt purpose under that exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

## PRODUCTS OF PHOTOPROCESSING

95-0507 12/27/1995 Photographers and film processors are subject to Retailers' Occupation Tax on the photoprocessing component of their total service charge when they sell products of photoprocessing. The tax on the photoprocessing component will apply regardless of whether the photographer performs the photoprocessing in-house, or engages a third-party photoprocessor. Such products of photoprocessing include prints, photographic reproductions, and microfilm. See, 86 Ill. Adm. Code 130.2000 (This is a GIL.)

## REPLACEMENT VEHICLE TAX

95-0407 10/11/1995 The Replacement Vehicle Tax is imposed on \$1.00 the purchase of any passenger car purchased in Illinois by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. (This is a GIL.)

## REQUEST FOR INFORMATION

95-0421 0/18/1995 Request for information.  
\$1.25

## ROLLING STOCK

95-0446 11/06/1995 Under the rolling stock exemption, the \$2.00 Retailers' Occupation Tax does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer executed or in effect at the time of purchase to interstate carriers for hire for use as rolling stock moving in interstate commerce. See, 86 Ill. Adm. Code Section 130.340. (This is a GIL.)

## SALE AT RETAIL

95-0425 10/24/1995 It is the opinion of the Department that

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\$1.25 the most important element of selling is the seller's acceptance of the purchase order. Therefore, a retail sale is considered to occur in the location where purchase orders are accepted by the retailer. See, 86 Ill. Adm. Code 270.115. (This is a GIL.)

95-0453 \$1.00 11/09/1995 It is the Department's opinion that the most important element of selling is the seller's acceptance of the purchase order. Consequently, the location at which the purchase order is accepted determines the proper local tax rate. See, 86 Ill. Adm. Code 270.115. (This is a GIL.)

95-0476 \$1.25 11/21/1995 When a customer makes a purchase of tangible personal property from an Illinois retailer for use or consumption and not for resale, the transaction is subject to Retailers' Occupation Tax. It matters not that the customer may be from another state and that the sale would be exempt in the purchaser's home state. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

95-0497 \$1.00 12/18/1995 The Department assumes that the seller has accepted a purchase order at the place of business at which the seller receives the purchase order in the absence of clear proof to the contrary. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

## SALE FOR RESALE

95-0417 \$1.25 10/11/1995 This letter discusses situations in which a Certificate of Resale would be used. (This is a GIL.)

95-0442 \$1.50 11/06/1995 Resale numbers are issued to persons who make no taxable sales in Illinois but who need the wherewithal to provide suppliers with Certificates of Resale when purchasing items that will be resold. See, 86 Ill. Adm. Code 130.1415. (This is a GIL.)

95-0449 \$1.50 11/08/1995 In order to document a valid resale exemption in a drop shipment situation, the purchaser must provide the seller with a Certificate of Resale documenting the fact that the sale to the purchaser, with delivery in Illinois, is a sale for resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

95-0457 \$1.25 11/14/1995 Pallets do not qualify for the resale exemption if the manufacturer, after delivery, retained

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and reused the pallets or discarded them. See, 86 Ill. Adm. Code 130.2070. (This is a GIL.)

95-0464 \$1.50 11/16/1995 This letter sets out how a standard drop shipment is treated in Illinois for Retailers' Occupation Tax and Use Tax purposes. See, 86 Ill. Adm. Code 130.1405. (This is a GIL.)

95-0469 \$1.75 11/17/1995 If items (such as paper napkins, plastic utensils, paper or plastic serving containers, and disposable cups) are used in food service operations in lieu of more durable kinds of serving equipment (such as linen napkins, or glass plates or cups), purchases of these items are subject to Use Tax. See, 86 Ill. Adm. Code 130.2070. (This is a GIL.)

95-0503 \$1.25 12/21/1995 In a drop ship situation, the purchaser must provide the seller with a Certificate of Resale documenting the fact that the sale to the purchaser (with delivery in Illinois) is a sale for resale. While a registration/resale number on a Certificate of Resale is preferred, the purchaser can also provide "other evidence" on the resale certificate that the sale was for resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

## SALE OF SERVICE

95-0439 \$2.25 11/02/1995 The purchase of tangible personal property that is transferred by a serviceman to a service customer may result in either Service Occupation Tax liability or Use Tax liability for the serviceman, depending upon which tax base the serviceman chooses to calculate his or her liability. See, 86 Ill. Adm. Code 130.145. (This is a GIL.)

95-0450 \$1.75 11/08/1995 Under the Service Occupation Tax, a serviceman is taxed on tangible personal property transferred as an incident of the sale of service. However, if the interstate commerce exemption is applicable, a serviceman does not incur Service Occupation Tax liability on property that he resells as an incident to a sale of service under an agreement by which the serviceman is obligated to make physical delivery of the goods from a point in Illinois to a point outside Illinois, not to be returned to a point within Illinois, provided that such delivery is actually made. See, 86 Ill. Adm. Code 140.501. (This



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is a GIL.)

95-0490 12/06/1995 This letter sets out the obligations of  
\$1.25 both an out-of-state printer with no nexus making  
deliveries to Illinois and of an out-of-state donee of  
tangible personal property delivered to Illinois  
locations. (This is a GIL.)

95-0500 12/20/1995 Tangible personal property transferred by a  
\$1.75 serviceman to a service customer may result in either  
Service Occupation Tax liability or Use Tax liability  
for the serviceman. See, 86 Ill. Adm. Code 140.101.  
(This is a GIL.)

95-0523 12/29/1995 Under the Service Occupation Tax Act, a  
\$1.50 serviceman is taxed on tangible personal property  
transferred as an incident to the sale of service. See  
86 Ill. Adm. Code 140.101. (This is a GIL.)

## SERVICE OCCUPATION TAX

95-0414 10/11/1995 The purchase of tangible personal property  
\$1.25 that is transferred by a serviceman to a service  
customer may result in either Service Occupation Tax  
liability or Use Tax liability for the serviceman,  
depending upon which tax base the serviceman chooses to  
calculate his or her liability. See, 86 Ill. Adm. Code  
140.101 and 140.145 (This is a GIL.)

95-0434 10/30/1995 This letter discusses taxation of service  
\$1.50 contracts. See, 86 Ill. Adm. Code 140.301(b)(3). (This  
is a GIL.)

95-0435 10/30/1995 This letter discusses the circumstances in  
\$1.25 which a recycler of laser printer cartridges incurs  
Retailers' Occupation Tax liability. See, 86 Ill. Adm.  
Code 130.2015(a)(1)(B). (This is a GIL.)

95-0455 11/14/1995 When an unregistered de minimis serviceman  
\$1.50 purchases tangible personal property from a secondary  
serviceman, the serviceman's cost price is determined  
either by the separately stated selling price of the  
tangible personal property set forth on the invoice  
from the secondary serviceman or, if no selling price  
is separately stated, then by using 50% of the total  
invoice including labor and service charges. See, 86  
Ill. Adm. Code 140.101 and 140.145. (This is a GIL.)

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95-0467 11/17/1995 The purchase of tangible personal property  
\$1.25 that is transferred by a serviceman to a service  
customer may result in either Service Occupation Tax  
liability or Use Tax liability for the serviceman,  
depending upon which tax base the serviceman chooses to  
calculate his or her liability. See, 86 Ill. Adm. Code  
140.101. (This is a GIL.)

95-0486 12/04/1995 This letter discusses the taxation of  
\$2.50 maintenance agreements and other service or repair  
services, including the use of secondary servicemen.  
See, 86 Ill. Adm. Code 130.320, 140.101, and 140.301.  
(This is a GIL.)

95-0522 12/29/1995 This letter explains four methods of  
\$1.25 calculating Service Occupation Tax liability or Use Tax  
liability for the serviceman, depending upon which tax  
base he chooses to calculate his liability. (This is a  
GIL.)

## TELECOMMUNICATIONS EXCISE TAX

95-0418 10/11/1995 This letter discusses the Rolling Stock  
\$1.50 exemption from Sales Tax and the Telecommunications  
Excise Tax in relation to a communication service  
provided to trucking companies. See, 86 Ill. Adm. Code  
130.340 and 495.100. (This is a GIL.)

95-0427 10/27/1995 Under the Telecommunications Excise Tax,  
\$1.25 a tax is imposed on the act or privilege of  
originating or receiving intrastate or interstate  
telecommunications by a person in Illinois at the rate  
of 5% of the gross charges for such telecommunications  
purchased at retail from a retailer by such person.  
See, 86 Ill. Adm. Code 495.100(g). (This is a GIL.)

95-0431 10/30/1995 When pre-paid telephone units are purchased  
\$1.25 from a telephone service provider and then resold to  
users in the form of telephone credit cards, the seller  
incurs a Telecommunications Excise Tax liability based  
on gross receipts from the sale of the card. (This is  
a GIL.)

95-0452 11/08/1995 This letter responds to a questionnaire  
\$1.50 concerning the Telecommunications Excise Tax. See 86  
Ill. Adm. Code 495.100, 495.105, 495.110, 495.115,  
495.120, 495.125, and 495.130. (This is a GIL.)

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95-0454  
\$1.25 11/14/1995 A private university is not exempt from Telecommunications Excise Tax. See, 86 Ill. Adm. Code 130.2005 and 495.100. (This is a GIL.)

95-0496  
\$2.00 12/18/1995 Public community colleges are subject to the Telecommunications Excise Tax. See, 86 Ill. Adm. Code 495.105. (This is a GIL.)

95-0501  
\$1.75 12/21/1995 Charges related to video and audio programming such as for television programming are not subject to Telecommunications Excise Tax liability, but equipment provided to receive such programming is subject to Use Tax liability. See, 86 Ill. Adm. Code 150.310 (This is a GIL.)

## USE TAX

95-0412  
\$1.25 10/11/1995 Under the Use Tax Act, a tax is imposed on the privilege of using, in Illinois, any kind of tangible personal property that is purchased anywhere at retail from a retailer. See, 86 Ill. Adm. Code 150.101. (This is a GIL.)

95-0429  
\$1.25 10/30/1995 Construction contractors are deemed to be the users of the building materials which they incorporate into real estate and incur a Use Tax liability based on their cost price of those materials. See, 86 Ill. Adm. Code 130.2075(a). (This is a GIL.)

95-0456  
\$1.25 11/14/1995 Except for automobiles leased for a period of one year or less, the lessor of tangible personal property in Illinois is considered to be the end user of the property to be leased, and the lessor incurs Use Tax on the lessor's cost price of the property. See, 86 Ill. Adm. Code 130.220. (This is a GIL.)

95-0509  
\$1.75 12/28/1995 Illinois does not authorize the use of direct pay permits. The purchaser must pay tax to a registered retailer or document an exemption from sales tax to the retailer. See, 86 Ill. Adm. Code 150.130. (This is a GIL.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 6, 1996 through February 12, 1996 and have been scheduled for review by the Committee at its February 20, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

| Second Notice Expires | Agency and Rule   | Start of First Notice           | JCAR Meeting |
|-----------------------|---|---------------------------------|--------------|
| 3/21/96               | Department of Commerce and Community Affairs, Illinois Promotion Act Programs (14 Ill Adm Code 510)                       | 12/15/95<br>19 Ill Reg<br>16340 | 2/20/96      |
| 3/21/96               | Department of Insurance, Life Insurance Solicitation (50 Ill Adm Code 930)  | 10/27/95<br>19 Ill Reg<br>14920 | 2/20/96      |
| 3/22/96               | Illinois Health Facilities Planning Board, Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110) | 6/23/95<br>19 Ill Reg<br>8085   | 2/20/96      |

## PROCLAMATIONS

96-19

## JEROME RITCHEY DAY

Whereas, Jerome Ritchey has been broadcasting professionally for more than 14 years; and

Whereas, Jerome Ritchey and Melissa Forman started at WDRW-FM (Mix 94.5) during July 1992 and have since been in the top ratings for their time slot; and

Whereas, Jerome and Melissa are well-known for community service activities and have raised more than \$75,000 for "Christmas for Kids" during the past three years; and

Whereas, Jerome and Melissa have given charity fundraising a creative flair by raising money through activities like living at Marketplace Mall for four consecutive days, sitting in all 70,000 seats at Memorial Stadium and hanging 140 feet in the air (from a crane) for 14 hours; and

Whereas, on January 14, 1996, Jerome's wife, Margie, his children, Hannah and Ian, and his friends -- especially Melissa Forman -- will help him celebrate his 31st birthday;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 14, 1996, as JEROME RITCHEY DAY in Illinois in honor of his birthday and to convey to him that he now has been "officially one-upped."

Issued by the Governor January 9, 1996.

Filed by the Secretary of State January 19, 1996.

96-020

## CYSTIC FIBROSIS AWARENESS WEEK

Whereas, Cystic Fibrosis is the number one genetic killer of children and young adults in our country, affecting 30,000 people in the United States; and

Whereas, approximately 1,000 new cases are diagnosed each year; and

Whereas, scientists who discovered the Cystic Fibrosis gene in 1989 began a new era in the campaign to defeat this deadly disease and in 1993 scientists began the first gene therapy studies involving people with Cystic Fibrosis; and

Whereas, this research marked the first time that the root cause of Cystic Fibrosis had been targeted; and

Whereas, there is no known cure for Cystic Fibrosis but the Cystic Fibrosis Foundation, which was established in 1955, is constantly striving to raise the monies necessary to fund research in order to find a cure and improve the quality of life for those afflicted with this disease; and

Whereas, our citizens should be educated so as to further understand the effects of Cystic Fibrosis and the work necessary to find a cure;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 15-19, 1996, as CYSTIC FIBROSIS AWARENESS WEEK in Illinois.

Issued by the Governor January 10, 1996.

Filed by the Secretary of State January 19, 1996.

96-021

## DENIM DAY

Whereas, since 1947 the Illinois Easter Seals Society has served the

Madison County area as well as 44 other Illinois counties; and

Whereas, the Illinois Easter Seals Society is a charitable organization helping disabled children and adults with disabilities gain maximum independence; and

Whereas, the 1996 Easter Seals Telethon will air Sunday, March 3, from 8 to 6 p.m.; and

Whereas, to help promote and involve individuals in the telethon, the Society will observe February 23, 1996, as "Denim Day"; and

Whereas, on Denim Day individuals are encouraged to wear blue jeans to in exchange for a one dollar contribution to the Easter Seal Society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 23, 1996, as DENIM DAY in Illinois.

Issued by the Governor January 12, 1996.

Filed by the Secretary of State January 19, 1996.

96-022

## DR. MARTIN LUTHER KING DAY

Whereas, January 15, 1996, Dr. Martin Luther King, Jr. will be honored by a national holiday dedicated to his memory; and

Whereas, Illinois was the first state in the union to recognize the significant contributions of Dr. King by establishing a state holiday in 1973;

Whereas, the state has coordinated activities that provide an opportunity for our citizens to reflect upon the principles of racial equality, justice, and nonviolent social change; and

Whereas, Dr. King dedicated his life so that all Americans could enjoy freedom the United States Constitution guarantees every citizen; and

Whereas, in commemoration of Dr. King's birthday, Illinois citizens could rededicate themselves to his profound message of justice and peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 15, 1996, as DR. MARTIN LUTHER KING DAY in Illinois and urge all Illinoisans to pay tribute to Dr. King by joining the King Holiday Bell Ringing ceremony and ringing bells at 11:00 a.m.

Issued by the Governor January 12, 1996.

Filed by the Secretary of State January 19, 1996.

96-023

## AMERITECH DAY

Whereas, the Minority Economic Resources Corporation (MERC) will have its 10th Annual Dr. Martin Luther King, Jr. Dinner on Saturday, January 13, 1996, at the Chicago Hilton Towers Hotel; and

Whereas, the goals of the dinner are to honor the birthday of Dr. Martin Luther King, Jr. and individuals, organizations, and companies who best exemplify the principles by which Dr. King lived; and

Whereas, this year's recipient of the Dr. Martin Luther King, Jr. Corporate Leadership Award is the Ameritech Corporation and its president, Douglas Whitley, and is recognized for numerous contributions made to the people of the State of Illinois; and

Whereas, Douglas Whitley and the Ameritech Corporation were selected from a list of 43 nominees for this award; and



Whereas, this year's awards dinner marks the 67th birthday of Dr. Martin Luther King Jr., a Nobel Peace Prize winner, Civil Rights Leader and champion of justice;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 13, 1996, as AMERITECH DAY and commend the Ameritech Corporation and its president, Douglas Whitley, for commitment and dedicated service to the citizens of the State of Illinois.

Issued by the Governor January 11, 1996.

Filed by the Secretary of State January 29, 1996.

#### 96-024

##### APPRENTICESHIP WEEK

Whereas, apprenticeship training is a key component of developing skilled workers in various trades and crafts. It is part of a continuing program initiated by the government in 1937 and supported by industry and labor; and

Whereas, these supporters make cooperative efforts to encourage and improve apprenticeship training in Illinois in order to provide skilled journeymen in all trades; and

Whereas, the Biannual Illinois State Apprenticeship Conference will be held March 27-29 to promote the exchange of information and ideas to all crafts and trades;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 24-30, 1996, as APPRENTICESHIP WEEK in Illinois in recognition of our continuing need for qualified journeymen who provide excellent craftsmanship.

Issued by the Governor January 11, 1996.

Filed by the Secretary of State January 29, 1996.

#### 96-025

##### FLOUR DANIEL DAY

Whereas, the Fluor Daniel Company, the largest engineering and construction company in the United States, has contributed to improving the quality of life of non-English speaking and hearing impaired citizens through the development of the 911 Emergency Communication System; and

Whereas, the Fluor Daniel Company has continued its untiring support of the State of Illinois by maintaining its corporate headquarters in Illinois; and

Whereas, the company also has been uncompromising in its goal to improve the quality of life for all citizens; and

Whereas, the Fluor Daniel Company will be recognized for its achievements and efforts on behalf of the citizens of Illinois at the 24th Annual MERC Dr. Martin Luther King Jr. Dinner on January 13;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 13, 1996, as FLOUR DANIEL DAY in Illinois.

Issued by the Governor January 11, 1996.

Filed by the Secretary of State January 29, 1996.

#### 96-026

##### NUTRITION MONTH

Whereas, the Illinois Department of Public Health, along with nutrition

professionals throughout Illinois and the United States, are promoting good nutrition; and

Whereas, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and

Whereas, more than 25 percent of Illinoisans are at risk because of obesity, nearly 23 percent consume a high fat diet, and only 17 percent eat the recommended five or more servings of fruit and vegetables a day; and

Whereas, in keeping with the theme of the national observance "Eat Right America," all Illinoisans should become aware that proper nutrition is vital at all stages of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1996 as NUTRITION MONTH in Illinois, and urge all citizens to increase their awareness of the significance of good nutrition.

Issued by the Governor January 16, 1996.

Filed by the Secretary of State January 29, 1996.

#### 96-027

##### CENTRAL BAPTIST HOME CONGRATULATED ON ITS 100TH ANNIVERSARY

Whereas, Central Baptist Home was incorporated under the leadership of Rev. Jacob Meier on May 12, 1896, originally as the Western German Baptists Old Peoples Home Society and decades later ultimately changed its name to Central Baptist Home with its objective to "the care of aged Christian people"; and

Whereas, its service to the community expanded from 12 residents in 1896 to the present day 200 residents; and

Whereas, Central Baptist Home has been a refuge of hope, faith and caring; and

Whereas, its reputation for quality, loving care has brought generation after generation of family members to the home; and

Whereas, visionary leaders and generous benefactors continue the tradition and dream of Rev. Meier;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate Central Baptist Home on its 100th anniversary and its continual efforts to serve others and extend my best wishes for much success and prosperity in the future.

Issued by the Governor January 18, 1996.

Filed by the Secretary of State January 29, 1996.

#### 96-028

##### CHICAGO HISTORICAL SOCIETY LAST BEST HOPE OF EARTH DAY

Whereas, the Chicago Historical Society is commemorating Abraham Lincoln's birthday on February 12, 1996, with an exhibition, "The Last Best Hope of Earth: Abraham Lincoln and the Promise of America;" and

Whereas, the exhibition is the largest and most comprehensive exhibition ever devoted to the life and achievements of Abraham Lincoln; and

Whereas, the exhibition is scheduled to run through February 13, 1997, in both the Benjamin Benedict Green-Field and A. Montgomery Ward Galleries at CHS; and

Whereas, the display includes nearly 100 letters and original documents written by Lincoln and personal possessions of Lincoln and his family, as well as contemporary photographs, prints, and political campaign memorabilia;

Whereas, the exhibition also includes such historical artifacts as one of the few copies of the Gettysburg Address, one of his stovepipe hats, his marriage license, and several hundred manuscripts, prints and photographs; and Whereas, the Chicago Historical Society has had an enduring relationship with the 16th United States president since January 15, 1861, when Lincoln was elected an honorary member of the Society; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 12, 1996, as the CHICAGO HISTORICAL SOCIETY LAST BEST HOPE OF EARTH DAY in Illinois in honor of Abraham Lincoln and his commitment to the people of this state and country and extend my best wishes to the Chicago Historical Society for a successful exhibition.

Issued by the Governor January 18, 1996.

Filed by the Secretary of State January 29, 1996.

## 96-029

## GIRLS AND WOMEN IN SPORTS DAY

Whereas, the girls' and women's sports programs in Illinois have been dedicated to promoting the educational importance, cultural values, and skills involved in athletic competition; and

Whereas, the girls' and women's sports programs in Illinois enhance the schools' desired educational goals; and

Whereas, the girls' and women's sports programs in Illinois offer significant lifetime learning experiences that cannot be duplicated in any other instructional setting; and

Whereas, the girls' and women's sports programs in Illinois promote cooperation, friendship, and an opportunity to participate on a fair and equitable basis, which produces vital educational benefits; and

Whereas, the girls' and women's sports programs have provided extensive opportunities for participants and spectators; and

Whereas, these programs have reflected high standards of good sportsmanship and citizenship, thus contributing positively to the spirit of community; and

Whereas, the Fourth Annual Willye White Foundation recognizes Chicago's outstanding female high school athletes in conjunction with National Girls and Women in Sports Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1, 1996, as GIRLS AND WOMEN IN SPORTS DAY in Illinois and encourage citizens to celebrate this day of recognition.

Issued by the Governor January 18, 1996.

Filed by the Secretary of State January 29, 1996.

## 96-030

## MUSIC EDUCATION DAY AT THE CAPITOL

Whereas, music in the schools of Illinois is designed to bring about recognition of the vital place of music in the educational process; and

Whereas, music is a powerful and aesthetic force that gives our young people a sense of civilization because it dignifies the realm of feeling by merging intellect and emotion in the search for a humane way of life; and

Whereas, music is a basic influence in the lives of millions of people who participate in performing, listening and observing experiences developed

through music in the schools; and

Whereas, Music Education Day at our Capitol is a special opportunity for citizens to understand and support the ongoing process of music education; and Whereas, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in the curriculum of the schools of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 21, 1996, as MUSIC EDUCATION DAY AT THE CAPITOL in Illinois.

Issued by the Governor January 18, 1996.

Filed by the Secretary of State January 29, 1996.

## 96-031

## PROSPECT HEIGHTS DAYS

Whereas, the City of Prospect Heights is located in the northwest suburban area of Chicago and was incorporated January 31, 1976; and

Whereas, before its incorporation, the city was a community of single-family homes on half-acre lots; and

Whereas, Prospect Heights local government boasts a mayor, 10 aldermen, a city clerk and a treasurer, and 45 full-time employees in the city administration; and

Whereas, the population of Prospect Heights now exceeds 15,000; and

Whereas, the city will celebrate its 20th Anniversary Celebration on January 27, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 27-31, 1996, as PROSPECT HEIGHTS DAYS in Illinois.

Issued by the Governor January 19, 1996.

Filed by the Secretary of State January 29, 1996.

## 96-032

## ARMENIAN YOUTH DAY

Whereas, Christianity was officially established in Armenia in 201 A.D. when King Tiridates III was converted to Christianity by St. Gregory the Illuminator; and

Whereas, St. Gregory the Illuminator was the first in a continuous succession of 130 Catholics in the Armenian Church; and

Whereas, the youth in all societies are integral to carry on the moral and spiritual beliefs of their forebears; and

Whereas, many Armenians carry on their traditions, customs and spirituality through their youth under the spiritual guidance of the Armenian Church; and

Whereas, the Pre-eminent Patriarch and Catholics of All Armenians, His Holiness Karekin I, will make his first visit to the Armenian community in Illinois on January 21 with a special appeal to the Armenian youth to carry on those same moral and spiritual values pronounced by the Armenian Church; and Whereas, his Holiness Karekin I has declared the year 1996 as the "Year of the Youth;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 21, 1996, as ARMENIAN YOUTH DAY in Illinois.

Issued by the Governor January 19, 1996.

Filed by the Secretary of State January 29, 1996.



## 96-033

## BILL BUSCH DAY

Whereas, Bill Busch began working as a sanitary engineer for the State of Illinois on June 15, 1959; and

Whereas, since then, he has worked in the Bureau of Stream Pollution, Planning and Grants Section, he was Section Manager of the Water Pollution Control Permit Section, Acting Division Manager of Water Pollution Control, and the Field Operations Manager for the Division of Water Pollution Control; and

Whereas, in 1992, Bill Busch became the Great Lakes Coordinator in the Bureau of Water, where he oversaw all programs related to the Great Lakes; and

Whereas, in addition, he has served as the past president and trustee-at-large of the American Academy of Environmental Engineers, and chairman of the Academy's seminars, Technical Programs and Development Committee, and the Upgrading of Examinations Committee; and

Whereas, he also has served as president of the Illinois Water Environment Association and currently serves on the Board of Directors for the Water Environment Research Foundation; and

Whereas, after many years of dedicated service to the State of Illinois, Bill Busch is retiring and will be honored at a dinner on January 19, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 19, 1996, as BILL BUSCH DAY in Illinois in honor and appreciation of his years of service and dedication.

Issued by the Governor January 19, 1996.

Filed by the Secretary of State January 29, 1996.

## 96-034

## FRANK J. NUSTRA DAY

Whereas, Frank J. Nustra has had a long and distinguished career in government, serving the citizens of Lake County and the State of Illinois for 60 consecutive years; and

Whereas, in 1936, Mr. Nustra began his elected public service as a Republican precinct committeeman; and

Whereas, he later served as vice-chairman of the Lake County Republican Central Committee for 12 years; and

Whereas, in 1939, he was employed by the Lake County Treasurer as a clerk, a deputy treasurer and finally as chief administrator of the office until 1959; and

Whereas, in 1940, while still employed in the Treasurer's office, he was elected as Justice of the Peace and held court week nights and Saturdays; and

Whereas, in 1959, he was appointed the Lake County Recorder of Deeds and was later elected to that position in 1960; and

Whereas, he now serves in his 9th term as Lake County Recorder; and

Whereas, Mr. Nustra maintained an active role in government through participation on the Advisory Council to Local Government Affairs, the National Association of County Records and Clerks, and the Illinois Association of County Officials and founded the International Association of County Officials in 1971; and

Whereas, April 4, 1996, will mark his incredible 60-year milestone of public service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

February 4, 1996, as FRANK J. NUSTRA DAY in Illinois in honor of his long service to the citizens of this state and offer my best wishes for much continued success.

Issued by the Governor January 19, 1996.

Filed by the Secretary of State January 29, 1996.

## 96-035

## KIWANIS WEEK

Whereas, Kiwanis International, a community service organization with 327,000 members and 8,700 clubs, raised more than \$63 million and donated some 6.5 million volunteer hours in 77 nations and geographic areas; and

Whereas, the concept and principle Kiwanis represents is symbolized by the slogan, "We build;" and

Whereas, on January 21, 1996, Kiwanis in the State of Illinois and throughout the world will celebrate the 81st anniversary of the founding of Kiwanis; and

Whereas, there are 11,400 Kiwanians in 303 clubs in the State of Illinois; and

Whereas, it is fitting that the members of this worthwhile organization be recognized for the outstanding service they provide to communities in the State of Illinois and around the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 21-27, 1996, as KIWANIS WEEK in the State of Illinois and urge all citizens to support the efforts of these volunteers as they work to build a better world for our children.

Issued by the Governor January 19, 1996.

Filed by the Secretary of State January 29, 1996.

## 96-036

## BLACK DATA PROCESSING ASSOCIATES DAY

Whereas, the Black Data Processing Associates (BDPA) is a national not-for-profit organization of information management professionals; and

Whereas, BDPA assists minority students in entering career paths associated with the information technology industry; and

Whereas, BDPA sponsors programs directed at the education of our young people, including a city-wide high school computer competition and 14-week high school summer training camp; and

Whereas, BDPA has 50 chapters across the nation. The Chicago chapter is the largest, with more than 300 members. For the second consecutive year, the Chicago High School Computer Competition Team was named the 1995 National BDPA High School Computer Champions; and

Whereas, the BDPA will host its seventh annual awards banquet to recognize the contributions of its members, supporters, and sponsors on January 27, 1996, in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 27, 1996, as BLACK DATA PROCESSING ASSOCIATES DAY in Illinois.

Issued by the Governor January 23, 1996.

Filed by the Secretary of State February 1, 1996.

## 96-037



**CATHOLIC SCHOOLS WEEK/NATIONAL APPRECIATION DAY  
FOR CATHOLIC SCHOOLS**

Whereas, the National Catholic Education Association has declared Wednesday, January 31, 1996, as National Appreciation Day for Catholic schools; and

Whereas, the theme "Catholic Schools You Can Believe In" is appropriate for this recognition because it substantiates the sound education our students receive in parochial schools; and

Whereas, Catholic Schools Week is a time for all of us to reaffirm the spiritual value of all our children; and

Whereas, this week also encourages students to reach for academic achievement, to recognize parents for their sacrifices on behalf of their children's education, and to acknowledge teachers, staff and administrators in Catholic schools for their hard work and dedication; and

Whereas, we should support the right of citizens to empower themselves through their choice of education;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 28 - February 3, 1996, as CATHOLIC SCHOOLS WEEK and January 31, 1996, as, NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS in Illinois.

Issued by the Governor January 25, 1996.

Filed by the Secretary of State February 1, 1996.

**96-038**

**DANIEL BARENBOIM DAY**

Whereas, Daniel Barenboim is in his fifth season as music director of the Chicago Symphony Orchestra, a position that he will have at least through the year 2000; and

Whereas, Daniel Barenboim and the orchestra have played a vital role in the cultural life of Illinois and have offered a vision for the remodeled and expanded Symphony Center, which will include an important music education center component; and

Whereas, Daniel Barenboim has long devoted himself to promoting and advancing the cause of music and fine arts for all citizens of Illinois; and

Whereas, Daniel Barenboim and the Chicago Symphony Orchestra have continually promoted the culture and character of Illinois through their worldwide concert tours; and

Whereas, music director Daniel Barenboim and the Chicago Symphony Orchestra will celebrate 25 years of collaboration on January 31 during the special performance of "Daniel Barenboim -- Chicago Symphony Orchestra 25th Anniversary Concert;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 31, 1996, as DANIEL BARENBOIM DAY in Illinois in recognition and appreciation of his 25 year of collaboration with the Chicago Symphony Orchestra.

Issued by the Governor January 25, 1996.

Filed by the Secretary of State February 1, 1996.

**96-039**

**ENGINEERS WEEK**

Whereas, the engineering community of this state has provided a wealth of innovation in the fields of agriculture, industry, transportation, construction, and education; and

Whereas, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

Whereas, in order to emphasize the role of professional engineers in our society, the 1996 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 18-24, 1996, as ENGINEERS WEEK in Illinois in conjunction with the national observance and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

Issued by the Governor January 25, 1996.

Filed by the Secretary of State February 1, 1996.

**96-040**

**LITERACY APPRECIATION DAY**

Whereas, TruLove Charities for the Promotion of Family Literacy is a volunteer organization founded by a five-year old boy who wrote a letter to everyone he knew asking for a book donation to benefit a local crisis nursery; and

Whereas, his goal of 50 books was surpassed as 200 books were secured for the facility; and

Whereas, this act was an inspiration to others and made a resounding call to the community to support literacy development among all citizens; and

Whereas, this organization sponsors free book swap parties, book drives to benefit local charities and operates a "Reading is Fundamental Club" for children; and

Whereas, the organization just finished building a library and play area for a local day shelter; and

Whereas, the organization is also dedicated to adults and general population as well as children through programs such as adult literacy fulfillment and school literacy fairs; and

Whereas, it is right and proper to support the actions of this young man and those that continue to promote intergenerational literacy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 27, 1996, as LITERACY APPRECIATION DAY in Illinois.

Issued by the Governor January 25, 1996.

Filed by the Secretary of State February 1, 1996.

**96-041**

**STUDENT FINANCIAL AID AND ADMISSIONS AWARENESS MONTH**

Whereas, the State of Illinois has a strong commitment to the intellectual growth and career development of all its citizens; and

Whereas, the State of Illinois has fostered the development of an impressive complement of public, private, and proprietary programs of higher education; and

Whereas, a network of student financial assistance programs consisting of grants, scholarships, loans, and jobs provides access to these educational

opportunities for thousands of citizens each year; and

Whereas, the Illinois Student Assistance Commission's (ISAC) responsibilities include providing scholarships, grants, and loans and encouraging families to begin saving early for postsecondary education; and

Whereas, ISAC and the state's student financial aid community and the state's college admissions community will provide the service of a student financial aid and admissions helpline February 5-9; and

Whereas, the Illinois Student Assistance Commission, the Illinois Association of Student Financial Aid Administrators, and the Illinois Association of College Admission Counselors are conducting a series of informational programs to boost parent and student awareness about available college admissions and financial aid resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1996 as STUDENT FINANCIAL AID AND ADMISSIONS AWARENESS MONTH in Illinois and I encourage those who need financial assistance or admissions information for higher education to take advantage of the opportunity to become more aware of financial aid programs and the college selection process.

Issued by the Governor January 25, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-042

##### WOODRUFF HIGH SCHOOL MUSIC DEPARTMENT COMMENDED

Whereas, the Woodruff High School Music Department from Peoria has been selected to represent the State of Illinois in the 1996 "American Musical Salute;" and

Whereas, this musical salute commemorates the Bicentennial of Washington, D.C., and the 150th anniversary of the Smithsonian; and

Whereas, this musical salute is produced by the First American Music Encounters, an organization that provides opportunities for amateur performing groups to perform at festivals, in parades, and at prestigious concert venues around the world; and

Whereas, it is right and proper to recognize the Woodruff High School Music Department for their continued hard work and efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend the Woodruff High School Music Department on their selection to represent the State of Illinois in the 1996 "American Musical Salute" and offer my best wishes on behalf of the citizens of this state.

Issued by the Governor January 25, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-043

##### JACKIE CHAN DAY

Whereas, Jackie Chan is a universally renowned actor/director/producer/singer; and

Whereas, Chan's work has made him Asia's number one box office star. This icon of the Hong Kong film industry has been honored by respected film critics worldwide, as well as the British Film Institute and the Cinematheque Francaise; and

Whereas, Chan will dedicate the new location of the Global Radio Station in Chinatown Square, Chicago; and

Whereas, Chan will promote the U.S. release of his hit movie Rumble in the Bronx; and

Whereas, he also will make a special appearance at a benefit luncheon for the Film Center of the School of the Art Institute of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 29, 1996, as JACKIE CHAN DAY in Illinois in honor of his accomplishments and of the numerous contributions he has made to society and to the film industry worldwide.

Issued by the Governor January 26, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-044

##### CHICAGO METROPOLITAN BOWLING ASSOCIATION MONTH

Whereas, on January 13, 1896, Chicago became a Charter Member of the American Bowling Congress, which was then formed as the governing body of the sport of bowling in North America; and

Whereas, Chicago Bowling Association/Chicago Metropolitan Bowling Association of the American Bowling Congress is celebrating its 100th anniversary; and

Whereas, the Chicago Metropolitan Bowling Association Board of Directors, comprised mainly of volunteers, serves the recreational needs of all bowlers throughout Chicago and surrounding areas; and

Whereas, the Chicago Metropolitan Bowling Association's 100th Anniversary and the American Bowling Congress' Centennial celebrations will bring recognition to the sport of bowling and to local membership organizations, proprietors and manufacturers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1996 as CHICAGO METROPOLITAN BOWLING ASSOCIATION MONTH in honor of the association's 100th anniversary.

Issued by the Governor January 29, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-045

##### CHILD PASSENGER SAFETY MONTH

Whereas, all 50 states, the District of Columbia, and Puerto Rico have enacted laws requiring the use of child passenger protection systems; and

Whereas, more children in the United States, age one and older, are killed and crippled in motor vehicle crashes than from any other cause of injury; and

Whereas, when used correctly, child safety seats are 69 percent effective in preventing fatalities and serious injuries. An estimated 532 lives would be saved each year if child safety seats were used on a nationwide basis; and

Whereas, in Illinois, children under age four must be secured in an approved child restraint system. Four and five-year-olds must be secured either in a safety seat or by a safety belt; and

Whereas, parents or legal guardians of children under the age of four years are responsible for providing a child safety seat to anyone who transports his or her child; and

Whereas, "Help Me Grow," First Lady Brenda EdgarFES Campaign for Children, supports efforts to promote the vital importance of safety seats and



safety belts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1996 as CHILD PASSENGER SAFETY MONTH in Illinois and urge everyone to "buckle up for safety."

Issued by the Governor January 30, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-046

##### CRITICAL CARE NURSE WEEK

Whereas, critical care nurses are registered professional nurses who give critically ill patients optimal care through their individual professional accountability, thorough knowledge of the interrelatedness of body systems, and appreciation of the collaborative role of members of the health care team; and

Whereas, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of this profession in keeping abreast of the technical advancements of the critical care environment; and

Whereas, AACN currently has more than 78,000 members nationwide, including more than 3,500 in Illinois; and

Whereas, in addition to basic preparation, critical care nurses must have advanced knowledge of psychosocial, physiological, and therapeutic components specific to the care of the critically ill. The CCRN Certification, obtained only after passing a comprehensive examination and acquiring professional experience, is the national recognition of professional proficiency in critical care nursing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 17-23, 1996, as CRITICAL CARE NURSE WEEK in Illinois.

Issued by the Governor January 30, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-047

##### MIDWEST HARDWARE ASSOCIATION DAY

Whereas, the Midwest Hardware Association represents over 1,000 hardware, lumber and building material stores in Illinois and Wisconsin; and

Whereas, the hardware stores represented by MHA are often the backbone of countless communities across Illinois and a vibrant member of the retail sector of the economy; and

Whereas, the MHA is celebrating its 100th anniversary; and

Whereas, in the 1990s it is rare to find a business organization 100 years old that has continually provided outstanding services to its members through two World Wars, the Great Depression, several recessions, and tough competition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 19, 1996, as MIDWEST HARDWARE ASSOCIATION DAY in Illinois.

Issued by the Governor January 30, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-048

##### VILLAGE OF STEGER COMMEMORATED ON ITS 100TH ANNIVERSARY

Whereas, the Village of Steger was incorporated in December 1896; and

Whereas, the history of this city dates back to the labors of John Valentine Steger, who opened his piano factory in Steger in the early 1890s, creating economic opportunity in the young village; and

Whereas, after many additions, this piano factory became the largest piano factory in the world, producing 100 pianos a day and employing 2,800 craftsmen at its peak, many of them European immigrants; and

Whereas, when Mr. Steger arrived, the population stood at 300; and

Whereas, his efforts to bring people to the community with the memorable chant, "Come to the Land of Peace and Plenty," provided an opportunity for many American immigrants; and

Whereas, this hard work enabled the village to thrive and laid the foundation for a prosperous future; and

Whereas, the Village of Steger celebrates its Centennial in 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend the Village of Steger on its 100th anniversary and offer my best wishes for continued success on behalf of the citizens of this state.

Issued by the Governor January 30, 1996.

Filed by the Secretary of State February 1, 1996.

#### 96-049

##### WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

Whereas, poverty, loneliness, and anonymity are ever present realities in our society; and

Whereas, many citizens, visitors, and strangers, at any given time, are victims of these tragic conditions that often lead to suffering, abandonment, and death; and

Whereas, various individuals, groups, and organizations (public, private, and religious) make heroic efforts to remember and care for these indigent, disabled, lonely, and unknown persons who live and die among us; and

Whereas, the unselfish acts of these caregivers and the contributions to our society of care receivers are not always known and formally recognized; and

Whereas, citizens of the State of Illinois are encouraged to participate in various community awareness exhibits and seminars, to visit the sick, elderly, confined, orphaned and dying, attend interfaith memorial services, and visit and preserve the Potter's Field in their area; and

Whereas, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22, 1996, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois.

Issued by the Governor January 30, 1996.

Filed by the Secretary of State February 1, 1996.



Rules acted upon during the quarter of January 1 through March 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

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